Ordinance No. 2024-23

EXHIBIT A

Title 1
GENERAL PROVISIONS

Division 12 CODE ADOPTION

Chapter 12-2 GENERAL

12-2.002 Title.

This code shall be known as the ordinance code of Contra Costa County, and may be so cited in any prosecution for its violation.

(Ord. 70-36 § 1 (part), 1970: prior code § 1100 (part)).

12-2.004 References.

Every reference to this code or any portion of this code applies to this code as now or hereafter amended.

(Ord. 70-36 § 1 (part), 1970: prior code § 1100 (part)).

12-2.006 Amendments.

Any ordinance amending this code may be designated as an amendment to the ordinance code of Contra Costa County.

(Ord. 70-36 § I (part), 1970: prior code § 1100 (part)).

Chapter 12-4 AUTHORITY

12-4.002 Authority for adoption.

This code is adopted under the provisions of Title 5, Division 1, Part 1, Chapter 1, Article 2 (Sections 50022.1 ff.) of the California Government Code.

(Ord. 70-36 § 1 (part), 1970: prior code § 1101).

12-4.004 Area of application.

Unless otherwise specifically provided, this code applies only to acts or omissions within the unincorporated area of Contra Costa County.

(Ord. 70-36 § 1 (part), 1970: prior code §1102).

Chapter 12-6 EFFECT

12-6.002 No effect

The adoption or amendment of this code and the repeal of ordinances by this code shall not affect the following matters:

(1) Actions and proceedings which began before the effective date of this code, or of the amendment;

(2) Prosecution for ordinance violations committed before the effective date of this code, or of the amendment;

(3) Licenses and penalties due and unpaid at the effective date of this code, or of the amendment and the collection of these licenses and penalties; and

(4) Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance.

(Ord. 70-36 § 1 (part), 1970: prior code § 1103(a), (b), (c), (d)).

12-6.004 Reference carry-over.

Matters of record and other references to or material connected with ordinances substantially codified herein, or to or with earlier versions of later amended provisions hereof, shall be construed to apply to the substantially corresponding current provisions of this code.

(Ord. 70-36 § 1 (part), 1970: prior code § 1103(e)).

12-6.006 Exclusions.

Every ordinance of this county governing the following subject matter is excluded from this code and is not affected by the general repeal provisions of this code:

(1) Naming roads;

(2) Granting, altering, or withdrawing franchises;

(3) Levying special taxes;

(4) Creating or regulating special districts;

(5) Calling elections;

(6) Regulating vehicular or pedestrian traffic on particular highways, roads, or bridges, which ordinances were adopted before the effective date of this code;

(7) Relating to interim zoning; and

(8) Zoning or rezoning particular areas.

(Ord. 70-36 § 1 (part), 1970: prior code § 1104).

12-6.008 Repeal of existing ordinances.*

Every ordinance which is neither excluded from this code nor specifically continued in force by this code is repealed. This section shall not be construed to revive any ordinance which was repealed before the adoption of this code.

(Ord. 70-36 § 1 (part), 1970: prior code § 1105).

* For exclusions from this code, see § 12-6.006, this code.

Chapter 12-8 MAINTENANCE AND DISTRIBUTION

12-8.002 Clerk's copies.

The clerk shall keep at least three certified copies of this code in ~~his~~ the clerk's office for examination and use by the public. ~~He~~ The clerk shall note, in appropriate places in these copies, the ordinance numbers of ordinances amending the code, and shall maintain three complete files of amendatory ordinances, indexed for ready reference, for public use.

(Ord. 70-36 § 1 (part), 1970: prior code § 1106 (part)).

12-8.004 Regulation by county administrator.

The county administrator shall arrange for and regulate the distribution and/or sale of copies of this code.

(Ord. 70-36 § 1 (part), 1970: prior code § 1106 (part)).

12-8.006 Revisions.

The county administrator shall, in consultation with the clerk of the board and the county counsel, arrange for the necessary preparation, printing and distribution of material updating this code and reprinting it in whole or in part from time to time as necessary or convenient.

(Ord. 70-36 §1 (part), 1970).

Division 14 ENFORCEMENT

Chapter 14-2 GENERAL

Article 14-2.2. Authority

14-2.202 Deputies.

Where this code grants a power to a public officer or employee, or imposes a duty on a public officer or employee~~him~~, the power may be exercised or the duty performed by the public officer's or employee's deputy ~~his deputy or employee~~ or by any person authorized by law or ordinance, unless this code specially provides otherwise.

(Ord. 70-36 § 1 (part), 1970: prior code § 1204).

14-2.203 Arrests authorized.

Pursuant to Penal Code Section 836.5, all county officers and employees who have a duty to enforce any statute or ordinance are authorized to arrest persons for violations thereof as provided by law.

(Ord. 76-51 § 3).

Article 14-2.4 Notices

14-2.402 General.

Unless otherwise specially provided herein, notices and service thereof pursuant to this code shall be as provided in Sections 14-2.402 through 14-2.408.

(Ord. 70-36 § 1, 1970: prior code § 1205).

14-2.404 Written.

Notices shall be written.

(Ord. 70-36 § 1, 1970: prior code § 1205).

14-2.406 Service.

Written notices shall be served either:

(1) Personally; or

(2) By deposit in the United States mail in a sealed envelope, first class, postage prepaid, addressed to the person to be notified at ~~his~~ the person's last known business or residence address appearing in the public records or in other records of the matter for which notice is given, and mailed notice shall be deemed served when duly mailed.

(Ord. 70-36 § 1, 1970: prior code § 1205).

14-2.408 Proof of service.

Proof of the service of any notice may be made by the certificate of any officer or employee of this county or by the affidavit of any person at least eighteen years old, showing service conforming to this code or other applicable law.

(Ord. 70-36 § 1 (part), 1970: prior code § 1206).

Chapter 14-4 APPEALS

14-4.002 General.

Unless otherwise specially provided, any person aggrieved by an administrative action taken by any officer of this county under this code may appeal from the action to the board of supervisors, as provided in this chapter.

(Ord. 70-36 § 1, 1970: prior code § 1207).

14-4.004 Notice filed by appellant.

The appellant shall, within thirty days of the action appealed from, file with the clerk of the board a verified written notice of appeal concisely stating the facts of the case and the grounds for ~~his~~ the appeal including ~~his~~ the appellant's special interest and injury.

(Ord. 70-36 § 1, 1970: prior code § 1207).

14-4.006 Setting of hearing—Notice.

The clerk of the board shall then promptly set the matter for hearing at an early regular board meeting, and shall give the appellant at least five days' written notice thereof.

(Ord. 70-36 § 1, 1970: prior code § 1207).

14-4.008 Decision final.

The board's decision, after appellant has had an opportunity to be heard, shall be final and conclusive.

(Ord. 70-36 § 1, 1970: prior code § 1207).

Chapter 14-6 CIVIL ENFORCEMENT

Article 14-6.2. General

14-6.202 General.

In addition to the penalties provided by this code, this code may be enforced by civil action, directly against the act, omission or condition, or for damages therefor, for collection of penalties, fines, deposits, forfeitures, etc., or by other civil proceedings.

(Ords. 88-88 § 2, 70-36 § 1: prior code § 1203).

14-6.204 Nuisances.

Any condition existing in violation of this code is a public nuisance, and may be abated in a civil action, summarily or otherwise by the county.

(Ords. 88-88 § 2; 70-36 § 1: prior code § 1203).

Article 14-6.4. Uniform Public Nuisances Abatement Procedure

14-6.402 Uniform procedure.

This article shall be known and may be cited as the "Uniform Public Nuisance Abatement Procedure." It is enacted pursuant to Government Code Section 25845 and is intended to be an alternative procedure for the abatement of any violation of this code which violation is declared to be a public nuisance.

(Ord. 88-88 § 2).

14-6.404 Definition.

The term "county abatement officer" means the county officer responsible for enforcing the county ordinance code provision being violated, which violation has been declared to be a public nuisance.

(Ord. 88-88 § 2).

14-6.406 Summary abatement.

(a) Nothing in this article prohibits the summary abatement of a nuisance upon order of the board or upon order of any other county officer authorized by law to summarily abate nuisances, if the board or officer determines that the nuisance constitutes an immediate threat to public health and safety.

(b) If a public nuisance is summarily abated, the county abatement officer shall keep an account of the cost of abatement and bill the property owner for the cost of abatement. The bill shall be sent by certified mail to the last known address of the property owner. Simultaneously, the bill may be sent by regular mail. If the bill sent by certified mail is returned unsigned, then service is deemed effective pursuant to regular mail.

(c) If the bill is not paid within forty-five days from the date of mailing, the county abatement officer may proceed to obtain a special assessment and lien against the owner's property in accordance with the procedures set forth in this article, except that, in addition to a review of the costs of abatement, the board shall also hear and determine any issues relative to the necessity for the abatement or the manner in which the property was declared to be a public nuisance and summarily abated.

(Ords. 2007-18 § 2, 88-88 § 2).

14-6.408 Scope.

Whenever a public nuisance is declared, it may be abated in accordance with the procedures provided in this article. The procedures set forth in this article are not exclusive but are cumulative to all other civil and criminal remedies provided by law. The seeking of other remedies shall not preclude the simultaneous commencement of proceedings pursuant to this article.

(Ord. 88-88 § 2).

14-6.410 Nuisance declared.

A county abatement officer may declare a public nuisance for any reason specified in this code. Once a public nuisance is declared, the county abatement officer shall issue a notice and order to abate substantially in the following form:

"NOTICE AND ORDER TO ABATE

NOTICE IS HEREBY GIVEN that (specify the condition constituting the nuisance) is in violation of Section_____ of the Contra Costa County Ordinance Code. The violation has been declared a public nuisance by the (county abatement officer) and must be abated immediately. The public nuisance is on property located at (insert address or other legal property description).

YOU ARE HEREBY ORDERED TO ABATE SAID PUBLIC NUISANCE within (insert 10 (days) or other reasonable period)____consecutive calendar days from the issuance of this order. The issuance date is specified below. You may abate the nuisance by (insert desired action which, if taken, will adequately remedy the situation)_____. If you fail to abate the public nuisance within the number of days specified, the county may order its abatement by public employees, private contractor, or other means. The cost of said abatement, if not paid, may be levied and assessed against the property as a special assessment lien and may be collected at the same time and in the same manner as ordinary county taxes are collected, subject to the same penalties, procedures and sale in case of delinquency.

YOU MAY APPEAL FROM THIS ORDER OF ABATEMENT, but any such appeal must be brought prior to the expiration of the number of days specified above for completion of abatement. The appeal must be in writing; specify the reasons for the appeal; contain your name, address and telephone number; be accompanied by an appeal fee of_____dollars ($_____); and be submitted to the Clerk of the Board of Supervisors at the following address:

Clerk of the Board of Supervisors
County of Contra Costa
651 Pine Street, 1st Floor
Martinez, CA 94553

One who is legally indigent may obtain a waiver of the appeal fee. Upon timely receipt of the appeal and accompanying fee, or waiver, the Clerk of the Board will cause the matter to be set for hearing before the Board of Supervisors and notify you of the date and location of the hearing.

If you have any questions regarding this matter, you may direct them to the county officer issuing this notice at the address or telephone number listed below.

ISSUANCE DATE: _____

(Name, title, address and telephone number of the county abatement officer issuing this notice.)"

(Ord. 88-88 § 2).

14-6.412 Service.

The notice and order to abate will be served by the method specified either in subsection (a) or (b).

(a) Certified Mail and Posting. Certified mail will be addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known, and addressed to anyone known to the county abatement officer to be in possession of the property at the street address of the property being abated. Service is deemed completed upon the deposit of the notice and order to abate, postage pre-paid, in the United States mail. Simultaneously, the notice and order to abate may be sent by regular mail. If the notice and order to abate sent by certified mail is returned unsigned, then service is deemed effective pursuant to regular mail. Posting of the notice and order to abate will be conspicuously on or in front of the property. If the property has no frontage, posting will be on the portion of the property nearest to a street, highway, or road, or most likely to give actual notice to the

owner. The failure of a person to receive a properly addressed service shall not affect the validity of the proceedings.

(b) Personal Service. Personal service is deemed complete on the date the notice is personally served.

(Ords. 2007-18 § 3, 88-88 § 2).

14-6.414 Recording.

(a) The county abatement officer may record with the Contra Costa county recorder a notice of pending nuisance abatement proceeding. A notice of pending nuisance abatement proceeding will describe the property and the condition in violation of the code. Before recording a notice of pending nuisance abatement proceeding, the county abatement officer will serve on the record owner of the property a notice of intent to record a notice of pending nuisance abatement proceeding. Following recordation of a notice of pending nuisance abatement proceeding, the county abatement officer will serve a copy of the recorded notice.

(b) If a notice of pending nuisance abatement proceeding is recorded, the county abatement officer shall serve on the record owner of the property a notice of final disposition when the nuisance abatement proceeding has been completed, including any appeals and the completion of any work necessary to abate the nuisance. If the work to abate the nuisance is performed at county expense, the notice of final disposition need not be issued until those costs have been paid or a lien for those costs has been recorded. The notice of final disposition may be recorded by any party that was served with the notice of pending nuisance abatement proceeding.

(c) All notices specified in this section will be served in the manner specified in Section 14-6.412.

(d) A county abatement officer is not required to record a notice of pending nuisance abatement proceeding before issuing a notice and order to abate pursuant to Section 14-6.410.

(Ords. 2007-18 § 4, 88-88 § 2).

14-6.416 Appeal procedure.

(a) Any owner or other person in possession of the property may appeal to the board within the number of days specified in the notice and order to abate. The appeal shall be submitted in writing, specify the grounds upon which the appeal is taken, contain the name, address and telephone number of the appellant, and be filed with the clerk of the board.

(b) An appeal filed with the clerk of the board must be accompanied by an appeal fee. The amount of the appeal fee will be determined periodically by the board based upon the costs incurred by the county in processing appeals pursuant to this article. The calculation will include all costs of the county abatement officer, the clerk of the board, and any other county department that is involved in the processing of appeals, but will exclude actual costs for any work of abatement. If the appellant claims an economic hardship in paying the appeal fee, the appellant may submit an application for waiver of the appeal fee on forms provided by the clerk of the board for that purpose. The forms will be substantially similar to those required of litigants initiating court proceedings in forma pauperis pursuant to Section 68511.3 of the Government Code. The forms shall be executed under penalty of perjury and contain a declaration as to the truthfulness and correctness of the information contained in the forms. The clerk of the board may grant the appellant up to three business days beyond the expiration of the appeal period to complete and submit the fee waiver forms, provided the appeal was timely filed. The appeal fee will be waived upon the timely submittal of the completed fee waiver forms.

(c) Failure to submit the completed fee waiver forms or pay the appeal fee in a timely manner shall cause the appeal request to be automatically denied. Enforcement of the order to abate may then proceed as if no appeal request had been submitted.

(d) Upon the filing of a timely and complete appeal, including payment of the appeal fee or submission of completed fee waiver forms, the clerk of the board will set the matter for hearing before the board. The clerk of the board will notify the parties in writing of the date and location of the hearing at least ten days prior to the hearing date. Further abatement action shall be stayed until the appeal is acted upon.

(e) If the appeal fee is paid and the board finds there is no public nuisance, the appeal fee shall be refunded to the appellant without the payment of any interest that could have accrued.

(f) The failure to file a timely and complete appeal of a notice and order to abate shall be deemed to be a failure to exhaust administrative remedies.

(Ords. 2007-18 § 5, 88-88 § 2).

14-6.418 Hearing procedure.

(a) At the hearing before the board, the appellant will be given the opportunity to present oral and written testimony and other evidence, and to present oral and written argument.

(b) The hearing need not be conducted according to technical judicial rules relating to evidence, witnesses and discovery. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of the evidence over objection in civil actions. Irrelevant or unduly repetitious evidence may be excluded. The board may, from time to time, adopt procedures to govern hearings in further detail.

(c) The hearing may be continued from time to time upon the request of a party to the hearing and upon a showing of good cause.

(Ords. 2007-18 § 6, 88-88 § 2).

14-6.420 Decision.

(a) At the conclusion of the hearing, the board will reverse, modify or affirm the determinations of the county abatement officer and may direct the county abatement officer to proceed and perform the work of abatement if not performed by the owner or the person in possession of the property within a prescribed period of time.

(b) The decision of the board will be in writing, be based on the record, and include a statement of the factual and legal basis of the decision. The decision of the board will be filed with the clerk of the board following the conclusion of the hearing. A copy of the decision will be sent by first-class mail to the appellant at the address specified in the appeal, and by mail to each party appearing at the hearing. The county abatement officer is responsible for preparing, mailing and filing the decision.

(c) The decision of the board is final when mailed to the appellant.

(Ords. 2007-18 § 7, 88-88 § 2).

14-6.422 Time for compliance.

If the board decides that the order to abate should be enforced, that owner or person in possession of the property shall comply with the order within such period of time as may be prescribed, and in the absence of any prescribed time, within thirty days from the date of mailing of the final decision. The prescribed period of time shall commence on the date of mailing of the final decision.

(Ord. 88-88 § 2).

14-6.424 Judicial review.

Judicial review of the board's final decision is governed by California Code of Civil Procedure Sections 1094.5 and 1094.6.

(Ords. 2007-18 § 8, 88-88 § 2).

14-6.426 Abatement by county.

(a) Upon the failure, neglect or refusal to properly comply with the order to abate within the prescribed time period, the county abatement officer may cause to be done whatever work is necessary to abate the public nuisance. An account of the cost of abatement shall be kept for each separate assessor's parcel involved in the abatement.

(b) When the county has completed the work of abatement, or has paid for the work, the total abatement costs shall be charged to the owner of the property. "Total abatement costs" means the costs of the actual work of abatement, administrative costs, inspection and reinspection costs, the appeal fee if it had been waived pursuant to Section 14-6.416, and attorneys' fees if applicable.

(c) Attorneys' fees may be recovered in a proceeding under this article if the county elects, at the initiation of the proceeding, to seek recovery of its own attorneys' fees. If the county so elects, attorneys' fees will be recovered by the prevailing party. In no proceeding shall an award of attorneys' fees exceed the amount of reasonable attorneys' fees incurred by the county in the proceeding.

(d) The total abatement costs shall be included in a bill and sent by certified mail to the last known address of the property owner. Simultaneously, the bill may be sent by regular mail. If the bill sent by certified mail is returned unsigned, then service is deemed effective pursuant to regular mail. The bill shall inform the owner that failure to pay the bill within forty-five calendar days from the date of mailing may result in a lien upon the property.

(Ords. 2007-18 § 9, 97-19 § 2, 88-88 § 2; Gov. Code § 25845(c)).

14-6.428 Report and notice of hearing.

(a) If the bill is not paid within forty-five days from the date of mailing, the county abatement officer shall render an itemized report in writing to the clerk of the board for submittal to the board for hearing and confirmation. The report shall include, at a minimum, the names and addresses of the possessor of the property and all persons having any record interest in the property (including but not limited to, holders of mortgages or deeds of trust), the date upon which the abatement of the nuisance was ordered, the date the abatement was complete, a description of the real property subject to the lien, and the total abatement costs.

(b) At least ten days prior to the hearing, the clerk of the board shall give notice, by certified mail, of the hearing to all persons named in the county abatement officer's report. The notice shall be prepared by the county abatement officer and shall describe the property by assessor's parcel number and street number or some other description sufficient to enable identification of the property and contain a statement of the amount of the proposed assessment.

(Ords. 2007-18 § 10, 88-88 § 2).

14-6.430 Hearing on report.

At the time fixed for receiving and considering the report, the board shall hear it and any objections of any of the owners liable to be assessed for the work of abatement or any other persons who may have a legal interest in the property. The board may add to the proposed assessment an amount equal to the cost of conducting the assessment confirmation hearing. The board may also make such other modifications in the report as it deems necessary, after which, the board may order the report confirmed. The order and modified report shall be filed with the clerk of the board, and as filed shall be final and conclusive.

(Ord. 88-88 § 2).

14-6.432 Cost as special assessment and lien.

The amounts and the costs of abatement mentioned in the report as confirmed shall constitute a special assessment against such property and are a lien on the property for the amount of the respective assessment.

In addition to its rights to impose said special assessment, the county shall retain the alternative right to recover its costs by way of civil action against the owner and person in possession or control jointly and severally.

(Ord. 88-88 § 2).

14-6.434 Notice of assessment and abatement lien.

The county abatement officer shall record at the office of the county recorder, and deliver to the auditor-controller, a certificate substantially in the following form:

"NOTICE OF ASSESSMENT AND
ABATEMENT LIEN
(Public Nuisance Abatement)

Pursuant to Government Code Section 25845 and Ordinance Code Article 14-6.4, Contra Costa County abated a public nuisance on the parcel of real property described below, of which the named person(s) is the owner of record or possessor, and fixed the below-shown amount as the cost thereof and thereby claims a special assessment against said property for this amount.

1. RECORD OWNER(S):
   LAST KNOWN ADDRESS:
2. POSSESSOR(S) (if different from owner):
   LAST KNOWN ADDRESS:
3. DATE ABATEMENT ORDERED:
4. DATE ABATEMENT COMPLETED:

5. PARCEL: Real property in Contra Costa County, California: County Assessor's parcel #:
   [other description where needed]

6. AMOUNT OF ABATEMENT
   (ASSESSMENT) COST:

Dated:

Contra Costa County
By:
County Abatement Officer"

(Ord. 88-88 § 2).

14-6.436 Manner of collection—Law applicable.

Thereafter, the amounts of the assessment shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attaches thereon prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed shall not attach to such real property and the cost of abatement and the cost of enforcing the abatement as confirmed, relating to such property, shall be transferred to the unsecured roll for collection.

(Ord. 88-88 § 2).

14-6.438 Release and subordination.

An abatement lien created under this article may be released or subordinated by the county abatement officer in the same manner as a judgment lien on real property may be released or subordinated.

(Ord. 88-88 § 2).

14-6.440 Violations.

It is unlawful for any person to interfere with the performance of the duties herein specified for the county abatement officer or any authorized officer or employee thereof, or to refuse to allow any such officer or employee or approved private contractor, to enter upon any premises for the purpose of abating the public nuisance or to interfere in any manner whatever with said officers or employees in the work of abatement. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.

(Ord. 88-88 § 2).

Article 14-6.6. Treble Abatement Cost for Repeat Public Nuisances

14-6.602 Treble abatement cost for repeat public nuisance.

In addition to all other remedies available under the law, including the penalties provided in this code, upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner is

responsible for a condition that may be abated pursuant to Article 14-6.4, the court may order the owner to pay treble the costs of the abatement.

(Ord. 89-79 § 2; Gov. Code, § 25845.5).

14-6.604 Exception.

Section 14-6.602 shall not apply to conditions abated pursuant to Health and Safety Code Section 17980.

(Ord. 89-79 § 2: Gov. Code, § 25845.5).

Article 14-6.8. Graffiti

14-6.802 Findings.

This article and chapter provide for the removal of graffiti from public and private property and the board finds that graffiti is detrimental to property values and degrades the unincorporated area. Graffiti is inconsistent with the county's goals for property maintenance and maintenance of the county's development standards; is obnoxious, a public nuisance, and unless it is quickly removed from public and private property, results in other properties becoming the target of graffiti, thereby diminishing their value and reducing the ability of the county to meet the health, safety and welfare needs of its citizens.

(Ord. 99-48 § 1; Gov. C. §§ 25845, 53069.3(d)(2) and Civil C. § 1714.1).

14-6.804 Definitions.

As used in this article and chapter, the following terms have the meanings respectively ascribed to them:

(a) "County abatement officer" means the director of building inspection (county building official).

(b) "Graffiti" means the unauthorized writing, defacing, marring, marking, inscribing, scratching, painting, or affixing of markings on public or private buildings or structures, including, but not limited to, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, curbs, traffic control devices, signs, and utility boxes, except as otherwise expressly permitted by this code.

(Ord. 99-48 § 1).

14-6.806 Placement and prohibition.

(a) No person shall place graffiti upon any public or privately owned building or structure located on public or privately owned real property within the unincorporated area of the county.

(b) No person owning or otherwise in possession or control of any real property within the county area shall permit or allow any graffiti to be placed upon or remain on any building or structure located on such real property when the graffiti is visible from any public street or other public or private property.

(Ord. 99-48 § 1).

14-6.808 Minor parent's liability.

Any act of willful misconduct of a minor which results in the unauthorized placement of graffiti on any public or privately owned building or structure in violation of Section 14-6.806 shall be imputed to the parents or

guardian having custody or control of the minor. The parents or guardian having custody of the minor shall be liable for all damages so caused by the minor in a sum not to exceed two thousand dollars for each such act including therein, and not in addition, any county costs to remove the involved graffiti. Any court having jurisdiction to, and awarding civil damages pursuant to this section and Civil Code Section 1714.1, may provide in its judgment an order that as an alternative to paying the civil damage award, the involved parents or guardian and minor may agree with the county abatement officer to perform community services, including graffiti abatement in satisfaction in whole or part of the awarded civil damages.

(Ord. 99-48 § 1).

14-6.810 Public nuisance abatement.

Where a property owner and/or other person(s) in possession or control of property with graffiti on it fail to abate the graffiti, the county abatement officer may proceed with and complete public nuisance abatement of the graffiti pursuant to Article 14-6.4 and this chapter.

(Ord. 99-48 § 1).

14-6.812 Alternative graffiti removal.

As an alternative to the method of removal of graffiti as provided above in this article and chapter, the county may appropriate funds to finance the removal of graffiti from publicly or privately owned real property within the county area, subject to the following conditions:

(a) The county shall not authorize nor undertake to provide for the removal or painting over of any more extensive area than that where the graffiti is located.

(b) Prior to the removal or painting over of the graffiti, the county shall obtain the written consent of the owner of the real property.

(c) The graffiti must be visible from a public street or other public or private property.

(Ord. 99-48 § 1; Gov. C, § 53069.3).

Chapter 14-8 CRIMINAL ENFORCEMENT

14-8.002 Violation—Infraction.

Except as otherwise provided (and regardless of the availability of other civil or administrative remedies and procedures for enforcing this code), every act or condition prohibited or declared unlawful by this code, and every failure or omission to act as required herein, is a violation of this code and is an infraction.

(Ords. 76-51 § 1, 70-36, 1457: prior code § 2100 (part): see Govt. C. § 25132(a)).

14-8.004 Violation—Punishment.

(a) Infractions. Except as otherwise provided by statute or this code, every infraction violation of this code is punishable by a fine.

(1) Fine amounts for infraction violations of this code are as follows, except as otherwise provided in subsections (a)(2), (a)(3), and (a)(4) of this section:

(A) $100.00 for a first violation.

(B) $200.00 for a second violation of the same ordinance within one year of the first violation.

(C) $500.00 for each additional violation of the same ordinance within one year of the first violation.

(2) Fine amounts for infraction violations of building and safety codes are as follows:

(A) $130.00 for a first violation.

(B) $700.00 for a second violation of the same ordinance within one year of the first violation.

(C) $1,300.00 for each additional violation of the same ordinance within one year of the first violation.

(D) $2,500.00 for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

(3) Fine amounts for infraction violations of event permit requirements are as follows:

(A) $150.00 for a first violation of an event permit requirement.

(B) $700.00 for a second occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

(C) $2,500.00 for each additional occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

"Violation of an event permit requirement" has the same meaning as set forth in subdivision (e) of Government Code section 25132.

(4) Fine amounts for infraction violations of the County's Short-term Rental Ordinance (Chapter 88-32), are as follows:

(A) $100.00 for a first violation for failure to register or pay a business license fee.

(B) $1,500.00 for a first violation of Chapter 88-32, except as otherwise provided in subsection (a)(4)(A) of this section.

(C) $3,000.00 for a second violation of Chapter 88-32 within one year of the first violation.

(D) $5,000.00 for each additional violation of Chapter 88-32 within one year of the first violation.

(5) If a fine is levied pursuant to subsection (a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), (a)(2)(D), or (a)(4) of this section, a responsible party may file a request for a hardship waiver. The responsible party must show that the responsible party ~~he or she~~ has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the party. The request for a hardship waiver must be accompanied by an affidavit and support documents or materials demonstrating that payment of the full amount of the fine would impose an undue financial burden on the party.

(b) Misdemeanors. Except as otherwise provided by state law or this code, every misdemeanor violation of this code is punishable by imprisonment in the county jail for not more than six months, or by a fine of not more than $1,000.00, or by both.

(Ord. No. 2022-16, § II, 4-26-22; Ords. 2007-18 § 11, 84-18, 76-51 § 1, 70-36, 1457: prior code § 1200 (part): see Govt. C. § 25132 (b), Vehicle Code § 42001(a), and Penal Code § 19).

14-8.006 Violation—Continuing.

Acts, omissions or conditions in violation of this code which continue, exist or occur on more than one day constitute separate violations and offenses on each such day.

(Ord. 70-36, prior code § 1200 (part)).

14-8.008 Infraction arrest and citation.

(a) The following officers, or their designated subordinates, shall have and are hereby vested with the authority to arrest any person who violates the following provisions of this Code and other codes as indicated, punishable as infractions:

(1) Director of health services: Division 413, Division 445, Chapters 414-4, 414-6, 416-14, 418-2, 418-6, 418-12, 418-16, 420-2, 420-6, 450-6, and Labor Code Section 6404.5;

(2) Director of building inspection: Title 7;

(3) Director of community development: Title 8;

(4) Director of public works: Divisions 1002, 1010, 1014, 1106 and 1110;

(5) Sheriff: Division 54, Chapter 54-2, and Divisions 410 and 1110.

(b) The above-listed officers, or their designated subordinates, may issue citations for infraction violations of the above-listed code provisions.

(c) The county administrator may by written order issue regulations to provide for administration, procedures and policy direction for this section.

(d) The following officers, or their designated subordinates, shall have and are hereby vested with the authority to arrest any person who violates the following provisions of this Code and other codes as indicated, punishable as infractions:

(1) Director of health services: Division 413, Division 445, Chapters 414-4, 414-6, 416-14, 418-2, 418-6, 418-12, 418-16, 420-2, 420-6, and 450-6, and Labor Code Section 6404.5.

(2) Director of building inspection: Title 7.

(3) Director of community development: Title 8.

(4) Director of public works: Divisions 1002, 1010, 1014, 1106, and 1110.

(5) Sheriff: Chapter 44-2, Division 54, Chapter 54-2, and Divisions 410 and 1110.

(e) The above-listed officers, or their designated subordinates, may issue citations for infraction violations of the above-listed code provisions.

(f) The county administrator may by written order issue regulations to provide for administration, procedures, and policy direction for this section.

(Ord. No. 2021-19, § III, 6-8-21; Ord. No. 2016-24, § V, 12-20-16; Ord. No. 2012-05, § III, 2-28-12; Ords. 2006-66 § 8, 2004-30 § 2, 2003-01 § 5, 2002-48 § 2, 2001-03 § 1, 98-31 § 1, 98-22 § 2, 96-21 § 2, 95-36 § 1, 90-122 § 2, 86-80 § 2; Penal Code §§ 19.7, 836.5, and 853.6; Labor Code § 6404.5).

Chapter 14-10 CIVIL PENALTIES

14-10.002 Violation—Civil penalties.

Notwithstanding any contrary provision, any violation of an ordinance code section governing the standing or parking of a vehicle is subject only to a civil penalty and civil fees and charges, as provided pursuant to Sections 40200 and 40203.5 of the California Vehicle Code.

(Ord. 93-82 § 2).

14-10.004 Civil penalty schedules.

The board shall establish and modify from time to time, by resolution, schedules of parking penalties for parking violations, late payment penalties, administrative fees, other related charges, and civil penalties for standing and parking violations, as provided in California Vehicle Code Section 40203.5 or as otherwise provided by law.

(Ord. 93-82 § 2).

Chapter 14-12 ADMINISTRATIVE PENALTY SYSTEM

14-12.002 Applicability and authorization.

(a) This chapter provides for administrative fines, enforcement, and collection remedies that the county may pursue to address any violation of the following provisions of the Contra Costa County Ordinance Code:

  (1) Division 413 and Chapters 414-4, 414-6, 416-14, 418-2, 418-6, 418-12, 420-2, 420-6, and 450-6 (environmental health regulations);

  (2) Division 445 (smoking and tobacco regulations);

  (3) Title 7 (building regulations);

  (4) Title 8 (zoning regulations).

(b) Remedies under this chapter are in addition to any other remedy allowed by this code or applicable law. The use of this chapter is at the sole discretion of the director.

(c) This chapter is authorized by California Government Code Section 53069.4.

(Ords. 2006-66 § 9, 2003-01 § 6, 2002-47 § 3, 2000-21 § 2).

14-12.004 Definitions.

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

(a) "Director" includes the following officials and their designees:

  (1) Director of Health Services;

  (2) Director of Community Development;

  (3) Director of Building Inspection (County Building Official).

(b) "Effective date" means the date by which a violation must be corrected, as specified in a notice of violation.

(c) "Hearing Examiner" means the following officials:

(1) Director of Environmental Health;

(2) Public Health Director;

(3) Director of Building Inspection;

(4) Zoning Administrator.

(d) "Owner" means the owner of property upon which a violation of this chapter exists, the occupant of that property, or any other party responsible for the violation.

(e) "Service date" means the date a notice or decision is served in accordance with Section 14-12.018.

(Ords. 2003-01 § 7, 2002-47 § 3, 2000-21 § 2).

14-12.006 Administrative fines.

(a) The director is authorized to determine whether a violation of this code exists with respect to any property.

(b) If the violation is a continuing violation pertaining to building, plumbing, electrical or other similar structural or zoning issues, the director may serve a notice of violation on the owner as specified in Section 14-12.018. The notice of violation will include all of the following information:

(1) The date of the violation.

(2) The address or other description of the location where the violation occurred.

(3) The code section(s) violated and a description of the violation.

(4) A description of how the violation can be corrected.

(5) A specified time period of at least ten calendar days, beginning on the service date, within which the violation must be corrected.

(6) An advisement that the owner may be subject to an administrative fine under this chapter if the violation is not corrected by the effective date, and the amount of that fine.

(c) The director may impose an administrative fine on the owner if any of the following occur:

(1) The violation is not a continuing violation pertaining to building, plumbing, electrical or other similar structural or zoning issues.

(2) The continuing violation has not been corrected as specified in the notice of violation.

(3) The continuing violation was corrected as specified in the notice of violation but a violation of the same code section continues, exists or occurs within one year of the effective date.

(d) Fine Amounts.

(1) Fine amounts for infraction violations of this code are as follows, except as otherwise provided in subsections (d)(2), (d)(3), and (d)(4) of this section:

(A) $100.00 for a first violation.

(B) $200.00 for a second violation of the same ordinance within one year of the first violation.

(C) $500.00 for each additional violation of the same ordinance within one year of the first violation.

(2) Fine amounts for infraction violations of building and safety codes are as follows:

(A) $130.00 for a first violation.

(B) $700.00 for a second violation of the same ordinance within one year of the first violation.

(C) $1,300.00 for each additional violation of the same ordinance within one year of the first violation.

(D) $2,500.00 for each additional violation of the same ordinance within two years of the first violation if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

(3) Fine amounts for infraction violations of event permit requirements are as follows:

(A) $150.00 for the first violation of an event permit requirement.

(B) $700.00 for a second occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

(C) $2,500.00 for each additional occurrence of the same violation of an event permit requirement by the same owner or operator within three years of the first violation.

"Violation of an event permit requirement" has the same meaning as set forth in subdivision (e) of Government Code section 25132.

(4) Fine amounts for infraction violations of the County's Short-term Rental Ordinance (Chapter 88-32), are as follows:

(A) $100 for a first violation of Chapter 88-32 for failure to register or pay a business license fee.

(B) $1,500.00 for a first violation of Chapter 88-32, except as otherwise provided in subsection (a)(4)(A) of this section.

(C) $3,000.00 for a second violation of Chapter 88-32 within one year of the first violation.

(D) $5,000.00 for each additional violation of Chapter 88-32 within one year of the first violation.

(e) An administrative fine will be assessed by means of a notice of fine. The owner will be served with the notice of fine as specified in section 14-12.018. The notice of fine will include all of the following information:

(1) The date of the violation.

(2) The address or other description of the location where the violation occurred.

(3) The code section(s) violated and a description of the violation.

(4) The amount of the fine.

(5) An advisement of the right to request a hearing before the hearing examiner contesting the imposition of the fine.

(f) The director may require immediate abatement of a violation pursuant to section 14-6.406 of this code if the violation creates an immediate danger to the health and safety of persons or property.

(Ord. No. 2022-16, § III, 4-26-22; Ords. 2007-18 § 12, 2002-47 § 3, 2000-21 § 2).

14-12.008 Appeals.

(a) Any person upon whom an administrative fine is imposed by the director may appeal the fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the director within 15 calendar days after the service date of the notice of fine. The written appeal must contain:

(1) A brief statement setting forth the interest the appealing party has in the matter relating to the imposition of the penalty; and

(2) A brief statement of the material facts that the appellant claims supports ~~his or her~~the appellant's contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted.

(3) If a fine is levied pursuant to subsection (d)(1)(B), (d)(1)(C), (d)(2)(B), (d)(2)(C), (d)(2)(D), or (d)(4) of Section 14-12.006, an appellant may file a request for a hardship waiver. The appellant must show that the appellant ~~he or she~~ has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the party. The request for a hardship waiver must be accompanied by an affidavit and support documents or materials demonstrating that payment of the full amount of the fine would impose an undue financial burden on the party.

(b) Notice of the appeal hearing will be served as specified in section 14-12.018 and will set the appeal hearing no sooner than 20 days and no later than 45 days following the service date of the notice of appeal hearing.

(c) An appeal of an administrative fine imposed for violations of this code will be heard by the following hearing examiners:

(1) Director of Environmental Health for violations of Division 413 and Chapters 414-4, 414-6, 416-14, 418-2, 418-6, 418-12, 420-2, 420-6, and 450-6.

(2) Public Health Director for violations of Division 445.

(3) Director of Building Inspection for violations of Title 7.

(4) Zoning Administrator for violations of Title 8.

(d) At the hearing, the appellant will be given the opportunity to testify and to present evidence.

(e) After considering the testimony and evidence submitted at the hearing, or after the appellant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. If applicable, the hearing examiner will make a determination on the hardship waiver. The decision will be served as specified in section 14-12.018.

(Ord. No. 2022-16, § IV, 4-26-22; Ords. 2006-66 § 10, 2003-01 § 8, 2002-47 § 3, 2000-21 § 2).

14-12.010 Final order.

The imposition of the administrative fine becomes a final administrative order at one of the following times:

(a) On the date the notice of fine is served, if the owner fails to file a written appeal to the director within the time specified.

(b) On the date of the written decision by the hearing examiner, if the owner files a written appeal to the director within the time specified.

(Ords. 2002-47 § 3, 2000-21 § 2).

14-12.012 Recording.

The director may record a copy of the notice of fine with the Contra Costa County Recorder after the imposition of the administrative fine becomes a final administrative order. If the notice of fine is recorded and the violation is subsequently corrected, the director will record a notice of correction.

(Ords. 2002-47 § 3, 2000-21 § 2).

14-12.014 Payment of the fine.

The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this chapter does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(Ords. 2002-47 § 3, 2000-21 § 2).

14-12.016 Collection.

If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the 20th day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

(a) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure Section 1033.5.

(b) The amount of any unpaid final administrative fine, plus interest, plus any other costs as provided in this chapter, may be declared a lien on any real property owned by the owner within the county against whom an administrative penalty has been imposed, as follows:

(1) Notice will be given to the owner before recordation of the lien, and will be served in the same manner as a summons in the civil action pursuant to Code of Civil Procedure Section 415.10 et seq.;

(2) The lien attaches when the county records it with the county recorder's office. The lien will specify the amount of the lien, the date(s) of the code violations, the date of the final decision, the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel; and

(3) The lien will be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the assessments, except that if any real property to which a lien would attach has been transferred or conveyed to a bona fide purchaser for value, or a lien of a bona fide encumbrancer for value has been created and attaches on the property before the date on which the first installment of taxes would become delinquent, then the lien that would otherwise imposed shall not attach to the real property and the lien will be transferred to the unsecured roll for collection.

(c) The county may withhold issuance of licenses, permits and other entitlements to an owner on any project, property, or application of any kind whenever an administrative fine remains unpaid.

(d) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgment Law, California Code of Civil Procedure Section 680.010 et seq.

(Ords. 2002-47 § 3, 2000-21 § 2).

14-12.018 Service.

All notices or decisions required to be served by this chapter will be served either by the method specified in subsection (a) or by the method specified in subsection (b). The failure of a person to receive a properly addressed service shall not affect the validity of the proceedings.

(a) Certified mail and posting. Certified mail will be addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known. Service is deemed completed upon the deposit of the notice or decision, postage pre-paid, in the United States mail. Simultaneously, the same notice or decision may be sent by regular mail. If a notice or decision sent by certified mail is returned unsigned, then service is deemed effective pursuant to regular mail. Posting of the notice or decision will be conspicuously on or in front of the property. If the property has no frontage, posting will be on the portion of the property nearest to a street, highway, or road, or most likely to give actual notice to the owner.

(b) Personal service. Personal service is deemed complete on the date the notice or decision is personally served.

(Ords. 2002-47 § 3, 2000-21 § 2).

14-12.020 Judicial review.

A final administrative order may be appealed to the superior court of Contra Costa County in accordance with the provisions set forth in Government Code Section 53069.4.

(Ords. 2002-47 § 3, 2000-21 § 2).

Division 16 CONSTRUING PROVISIONS

Chapter 16-2 GENERAL

16-2.001 Construction.

The provisions of this code shall be construed, and all proceedings under it shall be undertaken, to effect its objects and further its purposes and to promote justice.

(Ord. 71-110 § 1, 1971).

16-2.002 Continuation of existing law.

Where they are substantially the same as existing law, the provisions of this code shall be considered continuations of existing law and shall not be considered new enactments.

(Ord. 70-36 § 1 (part), 1970: prior code § 1300).

16-2.004 Severability.

If any title, division, chapter, article, section, subsection, paragraph, sentence, clause, or phrase of this code is held unconstitutional or otherwise invalid for any reason by a court of competent jurisdiction, that holding shall not affect the validity or constitutionality of the remainder of this code. The board of supervisors declares that it would have adopted each part of this code irrespective of the validity of any other part.

(Ord. 70-36 § 1 (part), 1970: prior code § 1302).

Chapter 16-4 DEFINITIONS

16-4.002 General.

Unless otherwise defined by this code or clearly required by its context, the following terms when used by this code shall have the meanings set forth in this chapter.

(Ords. 91-7, 77-33, 70-36: prior code § 1303).

16-4.004 Affidavit, certificate and verification.

"Affidavit," "certificate" and "verification" include declarations under penalty of perjury.

(Ords. 91-7, 70-36).

16-4.006 Board.

"Board" means the board of supervisors of Contra Costa County.

(Ords. 91-7, 70-36).

16-4.008 Code.

"Code" means this ordinance code of Contra Costa County: and references to "sections," "chapters" etc., refer to such portions of this code.

(Ords. 91-7, 70-36).

16-4.010 County.

"County" means the county of Contra Costa, California. Notwithstanding any other provision of this code, its sections, chapters or articles shall be applicable to the county only where they expressly specify such county application.

(Ords. 91-7, 70-36: prior code § 1303(b)).

16-4.016 Gender.

Whenever a personal pronoun is used in the neutral gender, it shall include both the feminine and the masculine. “They/them” shall indicate a singular individual, unless the context indicates the contrary. ~~The feminine gender includes the masculine and neuter genders; and the masculine gender includes the feminine and neuter genders.~~

(Ords. 91-7, 76-51 § 6, 70-36, 1457: prior code § 1303(c)).

16-4.018 May, shall.

"May" is permissive; "shall" is mandatory.

(Ords. 91-7, 70-36: prior code § 1303(d), (h)).

16-4.020 Number.

The singular includes the plural and vice versa.

(Ords. 91-7, 70-36: prior code § 1303(e)).

16-4.022 Oath.

"Oath" includes affirmation.

(Ords. 91-7, 70-36: prior code § 1303(f)).

16-4.024 Officials and official bodies.

"Officials" and "official bodies" referred to by their titles (e.g., sheriff, planning commission, or sanitation) means that officer, employee, department, board, or commission of the county of Contra Costa.

(Ords. 91-7, 70-36: prior code § 1303(k)).

16-4.026 Person.

"Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer or employee, or any of them.

(Ords. 91-7, 70-36: prior code § 1303(g)).

16-4.030 State.

"State" means the state of California.

(Ords. 91-7, 70-36: prior code § 1303(i)).

16-4.032 Tenses.

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

(Ords. 91-7, 70-36: prior code § 1303(j)).

16-4.034 Zoning, board of adjustment.

"Board of zoning adjustment" means the zoning administrator.

(Ords. 91-7, 77-33).

Division 18 MISCELLANEOUS

Chapter 18-2 FEES

18-2.002 Code fees superseded.

All provisions of this code setting fees (except those required by statute to be set by ordinance) may be superseded by fees set by board resolution, but remain in effect until so superseded.

(Ord. 78-44 § 1).

18-2.004 Payment of residential fees.

(a) Time of Payment. All fees imposed on a residential development which, by operation of law, cannot be collected earlier, shall be paid on or before the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs later. "Final inspection" and "certificate of occupancy" have the same meaning as described in Sections 305 and 307, respectively, of the Uniform Building Code, International Conference of Building Officials, 1985 Edition.

(b) Applicability. This section applies only to fees collected to fund the construction of public improvements or facilities. It does not apply to utility service fees, fees collected to cover the cost of code enforcement or inspection services, or to other fees collected to pay for the cost of enforcement of county ordinances or state law.

(Ord. 87-20 § 2).

Title 2
ADMINISTRATION

Division 22 GENERAL

Chapter 22-2 COUNTY OFFICES

Article 22-2.2. Hours

22-2.202 Office hours.[1]

Unless otherwise provided by law or board resolution, all county offices and departments shall be open for the transaction of business with the public continuously during the hours eight a.m. to twelve noon and one p.m. to five p.m. daily (except Saturdays, Sundays and holidays), but the auditor, clerk, recorder, sheriff, and treasurer shall be open between noon and one p.m. also.

(Ord. 81-76 1: prior code § 2400: Ord. 506: see Govt. Code §§ 24257—24261).

Article 22-2.4. Holidays

22-2.402 General.

Except as otherwise provided by board resolution or ordinance, holidays shall be observed as specified in Government Code Sections 6700 and following (including future amendments thereto).

(Ords. 81-88, 76-77; prior code § 2402: Ord. 7067).

Article 22-2.6. Animals

22-2.602 General.

(a) No animals are permitted in a building that is leased, rented, or owned by the county, except as provided in subsection (b).

(b) The following animals are permitted in county buildings:

(1) Animals at the facilities of the county department of animal services.

(2) Animals participating in special programs approved by the animal services director and the persons responsible for the building.

(3) Animals under the control of either a peace officer or an animal control officer.

[1]For the statutory provisions regarding county offices and office hours, see Gov. C. § 24250 ff.

(4) "Service animals," as defined by state and federal law, who are assisting individuals with disabilities. A service animal may be prohibited or removed from a county building as authorized under state or federal law.

(Ord. No. 2014-09, § II, 8-12-14; Ord. No. 87-73 § 2)

Division 24 OFFICERS[2]

*Chapter 24-2 BOARD OF SUPERVISORS**[3]*

Article 24-2.2. Reserved[4]

24-2.202—24-2.212 Reserved.

Article 24-2.4. Meetings

24-2.402 Regular.

The board shall hold regular meetings for transacting business properly before it as board of supervisors, and in its capacities as governing body of various public entities, agencies, authorities, commissions, and districts and otherwise (in addition to other meetings or sessions, in such other capacities, as may be required by law or otherwise provided for), in its chambers in the County Administration Building, Pine and Escobar Streets Martinez, California, from nine a.m. until adjourning or continuance, on every Tuesday; except that when Tuesday is a holiday, the meeting shall be held during similar hours on the next business day.

(Ords. 2000-22, § 1: 97-2, 95-23, 76-19, 71-97: prior code §§ 24-2.404, 2100: Ords. 660, 522, 425, 141, 52, 2: see also Gov. Code §§ 25081, 54954 & Resolution No. 2000/229)

Chapter 24-4 COUNTY ADMINISTRATOR

24-4.002 Creation of office.

There is created the office of county administrator, to be filled by the board of supervisors. The county administrator shall serve at the pleasure of the board of supervisors.

(Ord. 80-11 § 1 (part), 1980: prior code § 2110: Ord. 1449; Ord. 1289)

---

[2]For purchasing agent, see Sections 1108-2-202—1108-2-220 of this code.

[3]** For the statutory provisions regarding the board of supervisors generally, see Gov. C. § 25000 ff; for the statutory provisions regarding county officers generally, see Gov. C. § 24000 ff.

[4]Ord. No. 2021-35, § III, adopted November 9, 2021, repealed §§ 24-2.202—24-2.212, which pertained to supervisorial districts and derived from Ord. No. 2011-15, § II, 8-9-11; Ords. 2001-13 § 3, 91-45, 86-90, 82-43, 81-71, 71-87: prior code section 2102: Ord. 1786.

24-4.004 Qualifications.

The position of county administrator is excluded from the county's merit system and shall be filled on the basis of administrative and executive ability, education, experience and knowledge of government operations. Candidates or persons appointed shall have at least five years' experience in responsible executive or administrative positions and possess the ability to plan and execute work programs, including budgeting, budgetary control and coordination of varied activities. At the time of appointment, the appointee must be a citizen of the United States and shall promptly become a resident of Contra Costa County and remain a resident during tenure in office unless county residency is waived. The incumbent shall not engage in any other business or occupation except that with the approval of the board of supervisors the incumbent may occasionally teach a course(s) in the field of public administration or public policy or occasionally act in a consultant capacity to other governmental agencies outside the county.

(Ords. 2001-05 § 1, 80-11: prior code § 2111: Ord. 1291: see Gov. C. § 24001)

24-4.006 Salary and benefits.

The salary of the county administrator shall be fixed by the board of supervisors and shall be paid by the county auditor-controller in the same manner as the salaries of other department heads. The county administrator is granted all of the benefits conferred on other appointed county department heads.

(Ord. 80-11: prior code § 2112: Ord. 1291)

24-4.008 Duties.

Under the supervision of the board of supervisors and subject to its direction and control, the county administrator is the chief administrative officer of the county and is responsible for the effective administration of all governmental affairs, and shall supervise implementation of ordinances, policies, rules and regulations adopted by the board in connection with these affairs and shall:

(1) Attend all meetings of the board of supervisors, except when excused, and advise and make recommendations to the board on matters within such administrative authority;

(2) Make recommendations to the board of supervisors on the appointment, performance and continued employment of all management or administrative positions for which the board is the appointing authority;

(3) Supervise and coordinate the work of departments, special districts and other agencies under the direct jurisdiction or fiscal control of the board of supervisors;

(4) As necessary, coordinate county and special district programs and functions with federal, state, other county, municipal, and other special district programs and functions;

(5) Supervise the preparation of the annual county budget in cooperation with the county auditor-controller. In performing this duty the county administrator shall review all departmental, agency and district work programs and requests and all items in the proposed budget, including revenues, expenditures, and reserves. The incumbent shall submit the proposed budget to the board of supervisors, together with a report and recommendations;

(6) In cooperation with the county auditor-controller, continuously scrutinize the budget adopted by the board of supervisors and departmental, agency and district expenditures to seek to assure that approved appropriations are not exceeded. In this connection the county administrator shall review all departmental, agency and district requests for adjustments and transfers of budgeted funds and make

recommendations on them to the board. On behalf of the board the county administrator may approve or order adjustments among sub-objects in the salaries and employee benefits and services and supplies, and fixed asset appropriations of individual county departments, districts and agencies, if these adjustments do not increase the total amount budgeted for each such category of expenditure;

(7) Establish and enforce personnel policies and practices in county departments and agencies, make recommendations to the board of supervisors on departmental, agency and district requests for additional personnel, and apprise the board of the financial effects of changes in compensation requested by employee organizations in the meet and confer process. The county administrator may delegate to the director of human resources- exempt any or all of the county administrator's ~~his~~ duties relating to personnel administration;

(8) Supervise and direct the preparation of long range plans for the management of county properties and for the construction and alteration of physical facilities needed to render county services properly. The county administrator shall make determinations on allocation of space to county departments and agencies;

(9) Develop financial plans in which revenues and expenditures are projected against anticipated county growth and in which methods of financing are recommended to the board of supervisors;

(10) Review the benefits of transferring responsibility for specific functions between county departments and agencies and consolidating county departments, agencies and districts and report the results of these studies to the board of supervisors;

(11) On behalf of the board of supervisors approve or control the attendance of county officials and employees at conferences and meetings;

(12) In cooperation with county departments and agencies, seek to improve the efficiency and economy of county government operations through techniques such as work measurement, organization and procedures, reviews, personnel utilization, records management, and operational audits;

(13) Implement a system of county administrative bulletins and public information including a county annual report;

(14) Perform investigations, studies, and surveys ordered by the board or deemed necessary by ~~him/her~~the county administrator;

(15) Make recommendations to the board of supervisors on new or revised state or federal statutes which are considered desirable and worthy of endorsement by the board. The county administrator also shall recommend to the board the adoption of new or revised ordinances, orders, and resolutions when in ~~his~~the county administrator's judgment these actions will improve county services and operations and are in the public interest;

(16) Perform such other duties as required by law, or ordinance or that may be directed from time to time by the board.

(Ord. No. 2014-05, § II, 4-1-14; Ord. 80-11: prior code § 2113: Ord. 1291)

24-4.009 Other relationship to county officers and department heads.

(a) Information and Cooperation. Each county officer or department head, upon the request of the county administrator shall provide any record or other information relating to the administrative operation of such department and shall otherwise cooperate in the review or investigation of the administrative operation of such department. Each county officer or department head shall promptly comply with any written directive

by the county administrator relating to the use of personnel, equipment or facilities of such office or administrative procedures relating thereto, subject to the right of appeal as in Chapter 14-4.

(b) Conduit to Board. All requests for board action shall be through the county administrator, who shall present them to the board with a recommendation. If the recommendation is adverse to the request, the county administrator shall notify the officer or department head of the time when the same will be presented to the board of supervisors, and may either withdraw the request before its presentation to the board or ~~he/she~~the officer or department head may appear before the board and be heard.

(Ord. 80-11)

24-4.010 Limits of authority.

The county administrator does not have any power or duty (including functions, prerogatives, discretions, and responsibilities) now conferred by law upon any other county officer or employee. The board of supervisors establishes the office of county administrator and prescribes the powers and duties (including functions prerogatives, discretions and responsibilities) of that office to assure that it may receive knowledgeable, objective advice about county government affairs and to assure the highest degree of efficiency and economy in the administrative operations of the county government.

(Ord. 80-11: prior code § 2144: Ord. 1291)

24-4.012 Assistants.

The county administrator may employ deputies and assistants and assign to them the duties prescribed in this chapter. The employment of such deputies or assistants shall be authorized by the board of supervisors by ordinance or resolution.

(Ord. 80-11: prior code § 2116: Ord. 1291)

24-4.013 Reserved.

Editor's note(s)—Ord. No. 2014-05, § III, adopted April 1, 2014, repealed § 24-4.013 in its entirety. Former § 24-4.013 pertained to personnel director and was derived from Ords. 81-70 § 4, 80-56 § 2, 73-44 § 2: former §§ 32-4.1002, 32-4.602: prior code § 2418: Ords. 1296, 325 § 9.

24-4.014 Use of county and outside services.

The county administrator may utilize the services of personnel of other departments and agencies under the control of the board to assist with the county administrator's ~~his/her~~ duties and with the approval of the board of supervisors the services of outside experts and consultants.

(Ord. 80-11: prior code § 2117: Ord. 1291)

Chapter 24-6 CLERK—RECORDER[5]

[5]State law reference(s)—For the statutory provisions regarding the duties of the county clerk, see Gov. C. § 26800 ff; for the provisions regarding the duties of the county recorder, see Gov. C. § 27200 ff.

24-6.002 Consolidation of offices.

The offices of county clerk and county recorder are consolidated under the provisions of Section 24300 of the Government Code of the state of California.

(Prior code § 2130: Ord. 1163)

Chapter 24-8 AUDITOR—CONTROLLER[6]

24-8.002 Qualifications and continuing education.

The provisions of Article 4 (commencing with Section 26945 of Chapter 4 of the California Government Code), which prescribe county auditor office qualifications and continuing education requirements, are hereby adopted.

(Ords. 98-1, 96-7, 1188: prior code § 2140)

24-8.004 Claims payable immediately.

The three-day waiting period in Government Code Section 29742 shall not apply to any claims payable by the auditor thereunder.

(Ord. 80-13: Bd. Resol. No. 79/1268)

Chapter 24-10 TREASURER—TAX COLLECTOR[7]

24-10.002 Consolidation of offices.

The offices of county treasurer and county tax collector are consolidated under the provisions of Section 24300 of the Government Code of the state.

(Prior code § 2150: Ord. 631)

24-10.004 Investment of funds.

The county treasurer (treasurer-tax collector) is delegated the authority to invest or reinvest the funds of the county and the funds of other depositors in the county treasury, pursuant to Chapter 4 (commencing with Section 53600) of Part 1 of Division 2 of Title 5 of the California Government Code. The county treasurer (treasurer-tax collector) is fully responsible for those transactions.

---

[6]State law reference(s)—For the statutory provisions regarding the duties of the county controller, see Gov C. § 26880 ff; for the provisions regarding the duties of the county auditor, see Gov. C. § 26900 ff; for the provisions regarding the qualifications for office of county auditor, see Gov. C. §§ 26945 and 26946.

[7]State law reference(s)—For the statutory provisions regarding the office of county treasurer, see Gov. C. § 27000 ff; for the provisions regarding the office of tax collector, see Gov. C. § 27400 ff.

(Ord. 96-6 Gov. C. §§ 27000.1, 27000.3 & 53600.3)

24-10.006 Qualifications of treasurer-tax collector.

No person shall hereafter be elected or appointed to the offices of county treasurer-tax collector, county treasurer or county tax collector unless that person meets the qualifications set forth in and complies with Sections 27000.7, 27000.8, and 27000.9, of the California Government Code.

(Ord. 97-4 § 1)

Chapter 24-12 COUNTY COUNSEL[8]

24-12.002 Appointment—Duties.

The office of county counsel is established. The board of supervisors shall appoint the county counsel and fix the county counsel's salary. The county counsel's tenure and duties shall be as provided by state law and by the board.

(Ord. No. 2018-20, § II, 7-10-18; Ord. 69-39 § 1, 1969: prior code § 2197).

24-12.004 Represents public administrator.

The county counsel shall act as attorney for the public administrator in all estates in which the public administrator is executor, administrator with the will annexed, or administrator. In matters where the county counsel represents the public administrator, the county counsel shall collect the attorney's fees allowed by law and pay them into the county treasury.

(Ord. No. 2018-20, § II, 7-10-18; Ord. 69-63 § 1, 1969: prior code § 2197.2).

24-12.006 Prepares ordinance summaries.

The county counsel is the official designated to prepare a summary of any proposed ordinance or proposed amendment to an existing ordinance, pursuant to Government Code section 25124, when the County Counsel determines that it is appropriate to do so.

(Ord. No. 2018-20, § II, 7-10-18)

[8]State law reference(s)—For the statutory provisions regarding the office of county counsel, see Gov. C. § 27640 ff.

Chapter 24-14 PUBLIC GUARDIAN AND PUBLIC ADMINISTRATOR[9]

24-14.002 Office, pay, appointment.

The office of public guardian is created in this county. The office of the public administrator is separated from the office of the district attorney and is made an appointive office pursuant to Government Code section 24011. The office of the public administrator and the office of the public guardian shall be filled by board appointment by resolution. The public guardian and public administrator shall not receive any compensation for services as such. The board of supervisors determines that it is in the best interests of the County to waive the requirements of Government Code section 24001 for appointment to the office of the public guardian and the office of the public administrator.

(Ord. No. 2015-20, § III, 8-25-15)

Chapter 24-16 PUBLIC DEFENDER[10]

24-16.002 Appointment—Duties.

The office of public defender is established. The board of supervisors shall appoint the public defender and fix ~~his~~the public defender's salary; and ~~his~~ the public defender's tenure and duties shall be as provided by the Government Code and the board.

(Ord. 1971: prior code § 2180).

Chapter 24-18 COUNTY HEARING OFFICER

24-18.002 Appointment—Compensation—Staff.

Pursuant to Government Code Sections 27720 ff., the board of supervisors establishes the office of county hearing officer and shall appoint ~~him~~the county hearing officer and ~~his~~the county hearing officer's staff. The hearing officer shall appoint ~~his~~ the county hearing officer's staff as may be provided by the board, including any part-time phonographic reporter who may be employed outside civil service.

(Ord. 2024 § 1, 1966: prior code § 2190).

---

[9]Editor's note(s)—Ord. No. 2015-20, §§ III, adopted August 25, 2015, repealed and replaced ch. 24-14, § 24-14.002, in its entirety. Former ch. 24-14 pertained to "District Attorney and Public Administrator," and was derived from Prior Code § 2170; Ord. No. 68-45 § 1, adopted 1968 and Ord. No. 1192 Ord. No. 68-59 § 2, adopted 1968.

State law reference(s)—For the statutory provisions regarding the office of public administrator, see Gov. C. § 27440 ff; for the provisions regarding the office of district attorney, see Gov. C. § 26500 ff.

[10]State law reference(s)—For the statutory provisions regarding the office of public defender, see Gov. § 27700 ff.

24-18.004 Duties—Contracts.

The duties of the hearing officer shall be those established by statute and by the board of supervisors.

The hearing officer may perform services for other local public entities pursuant to board contract.

(Ord. 2037 § 1, 1966: Ord. 2024 § 1, 1966: prior code § 2190.1).

Chapter 24-20 SHERIFF—CORONER[11]

24-20.002 Consolidation of offices.

The office of coroner is consolidated with the office of sheriff, pursuant to Government Code Section 24300.

(Ord. 68-59 § 3, 1968: prior code § 2195.1).

24-20.004 Embalming fee.

Pursuant to Government Code Section 27471, whenever the coroner takes custody of a dead body pursuant to law, ~~he~~the coroner may embalm the body and charge and collect thirty-five dollars, except when the body is that of a child not more than fourteen years of age or of a person for whose burial there is available less than one hundred fifty dollars, in which cases the expense of embalming is a county charge. Any collections hereunder shall be paid into the county treasury.

(Ord. 76-28).

24-20.006 Body removal and keeping fee.

As permitted in Government Code Section 27472 (including amendments thereto), the coroner is authorized to charge and collect a fee for expense incurred in removing a body from the place of death and keeping the body until its release to the person responsible for its interment.

(Ord. 92-78 § 2).

Chapter 24-22 PUBLIC WORKS[12]

24-22.002 Surveyor appointive.

The surveyor of this county is appointed by the board, pursuant to Government Code Section 27550.

(Ords. 82-14 § 1, 76-35, 73-57, 821).

---

[11]State law reference(s)—For the statutory provisions regarding the office of sheriff, see Gov. C. § 26600 ff; for the provisions regarding the office of coroner, see Gov. C. § 27460 ff.

[12]State law reference(s)—For the statutory provisions regarding the office of county surveyor, see Gov. C. § 27550 ff; for the provisions regarding the duties of road commissioner, see Str. & H.C. § 1331 and § 1450 ff.

24-22.004 Road commissioner and surveyor consolidated.

The duties of the offices of road commissioner and surveyor are consolidated, pursuant to Government Code Section 24300, whenever the public works director (road commissioner) is authorized to practice land surveying in this state and is appointed county surveyor.

(Ord. 2000-05 § 1; Ord. 76-35, 73-57: § 24-22.002(a): prior code § 2160: Ords. 72-21, 70-28, 1457: See § 24-22.008).

24-22.006 Public works director created.

The office of public works director (director of public works) is created, pursuant to California Constitution Article 11, Section 1(b), and Government Code Section 24300, filled by appointment pursuant to Section 24-22.008.

(Ords. 76-35, 73-57: § 24-22.002(b): Ord. 72-21 : prior code § 21-60: Ord. 70-28).

24-22.008 Duties combined—Appointment.

(a) Offices and Duties Combined. The duties of road commissioner are combined with those of public works director, who holds the two offices and performs their duties. The public works director also holds, ex officio, the offices and positions in subsection (c) of this section and performs their duties, which are hereby combined with ~~his~~ the public works director's other duties pursuant to Government Code Section 24300.

(b) Appointment. The public works director is appointed by the board pursuant to Streets & Highways Code Section 2006, and the parenthetical authorities listed after the positions in subsection (c) of this section.

(c) Other Positions. The public works director may also hold the following positions on appointment by the respective governing bodies: Chief engineer of county sanitation districts (Health & Safety Code Sections 4739, 4749); the chief engineer of the Contra Costa County Storm Drainage District (Stats. 1953, Chap 1532, Sec. 9, see Water Code Appendix); chief engineer of the Storm Drain Maintenance Districts in this county (Stats. 1937, Chap. 265, Sec. 6; See Water Code Appendix); and whenever the public works director (road commissioner) is authorized to practice land surveying in this state and is appointed county surveyor, during the period of such service, the offices of road commissioner and surveyor are consolidated.

(Ords. 2000-04 § 1; 85-32 § 5, 76-35, 73-57: § 24-22.002(b): prior code § 2160: Bd. Resol. No. 73/214 and No. 73/831, Bd. Order 10-29-73, Ords. 72-21 and 70-28, B.O. 1-10-67, Ord. 1457, B.Os. 4-155, 3-1-55 and 12-21-54, Ords. 821, 793, B.Os. 6-10-52 and 5-20-52, Ords. 673, 614, 530, and 491: C.C.Opns. 76-10, 70-05, 857, 692, 111, OS-302, OS-136).

Chapter 24-24 AGRICULTURAL COMMISSIONER AND SEALER OF WEIGHTS AND MEASURES[13]

24-24.002 Consolidation of duties.

The duties of the offices of agriculture commissioner and sealer of weights and measures are consolidated, pursuant to Government Code Section 24300.

(Ord. 70-28 § 2, 1970: prior code § 2198).

Chapter 24-26 COMPENSATION

24-26.002 Setting by resolution.

The compensation of officials may be set by board of supervisors resolution.

(Ord. 99-57 § 1, 68-23 § 1, 1968: prior code § 2430.1).

24-26.006 Supervisors.

(a) Each supervisor, for service as such, shall receive the following base salary:

(1) Through June 30, 2019, a monthly salary of nine thousand seven hundred thirty-six dollars and seventy-five cents.

(2) From July 1, 2019, through December 31, 2019, an annual salary equal to sixty percent of the annual salary for the office of superior court judge as prescribed by the legislature, plus such increases, at the same time and in the same percentage, as are granted by the legislature to judges of the Contra Costa County Superior Court, so that a base salary of sixty percent of said judges' salary is maintained throughout the entire period.

(3) From January 1, 2020 through December 31, 2020, an annual salary equal to sixty-three percent of the annual salary for the office of superior court judge as prescribed by the legislature, plus such increases, at the same time and in the same percentage, as are granted by the legislature to judges of the Contra Costa County Superior Court, so that a base salary of sixty-three percent of said judges' salary is maintained throughout the entire period.

(4) From and after January 1, 2021, an annual salary equal to sixty-five percent of the annual salary for the office of superior court judge as prescribed by the legislature, plus such increases, at the same time

[13]State law reference(s)—For the statutory provisions regarding the county department of agriculture and agriculture commissioner, see Agric. C. §§ 2001 -2280; for the provisions regarding the county sealer of weights and measures, see Bus. & P.C. § 12200 ff.

and in the same percentage, as are granted by the legislature to judges of the Contra Costa County Superior Court, to maintain a base salary of sixty-five percent of said judges' salary.

(b) For all adjustments to base salary (other than those scheduled to occur on July 1, 2019, January 1, 2020, and January 1, 2021), a "notice of adjustment in compensation paid to members of the board of supervisors" shall appear on the agenda of a regular meeting of the board of supervisors at least ten days prior to the date such adjustment is implemented. Each said adjustment will have the same effective date as the corresponding salary adjustment for the Contra Costa County Superior Court judges.

(c) Each supervisor shall receive reimbursement for reasonable expenses necessarily incurred in the conduct of such office, such other benefits as are provided other exempt management employees, and eligibility for an eighty-five dollar monthly county contribution to the county's deferred compensation plan in the same manner as other exempt management employees.

(d) Each supervisor shall receive an automobile allowance of six hundred dollars per month and, in addition to the automobile allowance, mileage at the rate per mile allowed by the Internal Revenue Service as a deductible expense, for all miles driven by that supervisor on county business outside that supervisor's supervisorial district, as identified in Chapter 24-2 of the County Ordinance Code. Receipt of the mileage reimbursement and automobile allowance requires that a private automobile be furnished for county business.

(Ord. No. 2019-11, § II, 4-16-19; Ord. No. 2015-19, § II, 8-25-15; Ord. No. 2015-05, § II, 3-10-15; Ord. No. 2015-04, § II, 1-20-15; Ord. No. 2014-10, § II, 11-4-14; Ords. 2006-70 § 2, 99-57 § 1, 98-15, 94-10, 93-38, 92-48, 92-17, 89-77, 87-101, 85-63, 84-55, 84-34, 81-68, 81-5, 79-52, 79-35, § 3, 78-47 § 2, 77-68 §§ 1, 2, 76-59, 75-36, 74-49; prior code § 2431.2; Ord. 70-68; Const. XI § 1(b), Gov. Code § 25123.5, Elec. Code § 9143).

Editor's note(s)—Ord. No. 2015-04, § II, adopted January 20, 2015, repealed the changes made by Ord. No. 2014-10, § II, adopted November 4, 2014.

24-26.008 Elected county officers.

As compensation for not accruing paid vacation credit, including its retirement benefits, each elected county officer shall be provided twelve thousand dollars as a deferred compensation contribution that will be added to the elected county officer's deferred compensation account effective July 1st of each year (commencing July 1, 2007). If, after July 1st, but before June 30th, of the next succeeding year, for any reason, the elected county officer's occupancy of office terminates or expires, the elected county officer shall be entitled to a deferred compensation account contribution prorated from July 1st to include the time period the elected county officer served prior to the next June 30th. Further, if, for any reason, all or part of such deferred compensation contribution cannot be made into the deferred compensation account, the elected county officer shall be entitled to an equivalent lump sum payment. None of the county's twelve thousand dollar contribution may be used to establish eligibility and qualification to receive the additional eighty-five dollar monthly deferred compensation incentive otherwise provided by the county.

(Ords. 2006-70 § 3, 99-57 § 1).

24-26.010 Pay series schedule.

A copy of the approved Contra Costa County pay series schedule and salary administration plan has been and shall be maintained on file and available for public view at the Human Resources Department, 3rd Floor, County Administration Building, Martinez, California.

(Ords. 99-57 § 1, 98-15).

24-26.012 Coverage.

For the purposes of this article, elected county officers are the assessor, auditor-controller, board of supervisors, clerk-recorder, district attorney-public administrator, sheriff-coroner, and treasurer-tax collector.

(Ord. 99-57 § 1).

Chapter 24-28 CLERK OF THE BOARD OF SUPERVISORS

24-28.002 Clerk of the board.

The office of clerk of the board of supervisors is established, pursuant to Government Code Section 25100.5, and the county administrator is appointed clerk. The clerk has the powers and duties mentioned in Section 25100.5 or prescribed by ordinance. The clerk shall appoint and supervise such deputies and other subordinate employees as may be provided for by the board.

(Ord. 84-36 see § 33-5.365, and Gov. C. § 25100.5).

Chapter 24-30 DEPARTMENT OF CONSERVATION AND DEVELOPMENT

24-30.002 Department established.

(a) The department of conservation and development is established.

(b) The department of conservation and development performs the functions of the planning department of the county.

(c) The department of conservation and development performs the functions of the building department of the county.

(d) The department of conservation and development consists of the community development division, the building inspection division, and the redevelopment division.

(Ord. 2008-15 § 2).

24-30.004 Director.

(a) The director of the department of conservation and development is the head of the department.

(b) The powers and duties of the director of the department of conservation and development include, but are not limited to, the following:

(1) The director is authorized to supervise all deputies and other employees of the department of conservation and development, subject to the provisions of this code, resolutions of the board of supervisors, and personnel rules.

(2) The director has administrative control over the department of conservation and development. The director is responsible for recommending an annual budget for the department and exercising budgetary oversight for the department.

(3) The director shall perform all other duties as provided by this code and the board of supervisors.

(Ords. 2008-15 § 2, 99-1, 91-7, 85-32, 77-63, 1975, 1372, 1014, 917, 848, 385, 355).

24-30.006 Deputy directors.

(a) Deputy Director, Community Development.

(1) The deputy director, community development, is under the supervision of the director of the department of conservation and development.

(2) The deputy director, community development, is the planning director of the county and shall serve as secretary of the planning commission.

(3) The deputy director, community development, is the zoning administrator of the county.

(4) The deputy director, community development, is the chief administrative officer of the Contra Costa County Water Agency.

(5) The deputy director, community development, and designated subordinates are authorized to enforce Title 8 of this code, and to issue notices and orders pursuant to Article 14-6.4 of this code, infraction citations pursuant to Chapter 14-8 of this code, and notices and orders pursuant to Chapter 14-12 of this code.

(b) Deputy Director, Building Inspection.

(1) The deputy director, building inspection, is under the supervision of the director of the department of conservation and development.

(2) The deputy director, building inspection, is the county building official.

(3) The deputy director, building inspection, and designated subordinates are authorized to enforce Title 7 of this code, and to issue notices and orders pursuant to Article 14-6.4 of this code, infraction citations pursuant to Chapter 14-8 of this code, and notices and orders pursuant to Chapter 14-12 of this code.

(c) Deputy Director, Redevelopment. The deputy director, redevelopment, is under the supervision of the director of the department of conservation and development.

(Ords. 2008-15 § 2, 99-1, 91-7, 85-32, 77-63, 1975, 1372, 1014, 917, 848, 385, 355).

24-30.008 Construing provisions.

(a) Whenever the term "community development department" or "building department" is used in any ordinance, resolution, order, directive, or regulation of the county, it means the department of conservation and development.

(b) Whenever the term "director of community development" or "director of building inspection" is used in any ordinance, resolution, order, directive, or regulation of the county, it means the director of the department of conservation and development, except as otherwise provided in this section.

(c) Whenever the term "director of community development" is used in Chapter 14-8 or Chapter 14-12 of this Code, it means the deputy director, community development.

(d) Whenever the term "community development director" is used in Article 26-2.12 of this code, it means the deputy director, community development, as the zoning administrator of the county.

(e) Whenever the term "director of building inspection" is used in Chapter 14-8 or Chapter 14-12 of this code, it means the deputy director, building inspection.

(f) Whenever the term "director of building inspection" is used in Chapter 72-6 of this code, it means the deputy director, building inspection, as the county building official.

(Ords. 2008-15 § 2, 99-1, 91-7, 85-32, 77-63, 1975, 1372, 1014, 917, 848, 385, 355).

Division 25 BETTER GOVERNMENT ORDINANCE

Chapter 25-2 MEETINGS

Article 25-2.2. General

25-2.202 Application to policy bodies—Definitions.

(a) For the purposes of this division a "policy body" means the board of supervisors, or any permanent or temporary board, committee or commission under the authority of the board of supervisors. A committee entirely made up of county staff is not a "policy body." A municipal advisory council entirely made up of the elected members of the governing board of a community services district, who have been designated by the board of supervisors to serve ex officio as the appointed members of the municipal advisory council, is not a "policy body."

(b) A "delegated body" is any private entity which receives a grant of governmental authority, financial support, or property, pursuant to action by the board of supervisors; and is governed by a multi-member body, which includes one or more members of a policy body.

(c) "County" includes the county of Contra Costa and all special districts, agencies and authorities of which the board of supervisors is the governing body. "County" does not include a municipal advisory council entirely made up of the elected members of the governing board of a community services district, who have been designated by the board of supervisors to serve ex officio as the appointed members of the municipal advisory council.

(d) "Permanent advisory committee" means a permanent committee created by the county administrator, or a department head to advise the county administrator, or a department head. "Permanent advisory committee" does not include a committee made up entirely of county staff.

(Ord. No. 2009-11, § II, 4-28-09; Ord. No. 95-6)

25-2.204 Meetings to be open and public.

(a) All meetings of any policy body which is not currently governed by the provisions of the Ralph M. Brown Act (Gov. Code Section 54950 et seq.) shall be held in accordance with Section 25-2.205 of this division.

(b) The governing body of a "delegated body" shall conduct its meetings pursuant to Section 25-2.205 of this division when it deliberates either the expenditure of funds received from the county or any use of governmental authority delegated by the county.

(c) To the extent not inconsistent with state or federal law, any contract between the county and a private entity that owns, operates or manages any real property in which the county has a legal interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, shall include a requirement that any meeting of the governing board of the entity to address any matter relating to the property, or its government related activities on the property, be

conducted as provided by Section 25-2.205, except that closed sessions may be conducted as provided for by Article 25-2.4.

(d) The following are considered to be passive access gatherings which the public shall be permitted to attend:

(1) Meetings of permanent advisory committees;

(2) Social, recreational or ceremonial occasions sponsored by or for the policy body, to which a majority of the body has been invited.

(e) Such "passive access" gatherings shall be accessible upon inquiry or request to the extent possible consistent with the facilities and the purpose of the gathering. Such gatherings need not be noticed formally, conducted in any particular space open to spectators or provide for comment by spectators.

(f) Such passive access gatherings may exclude the public if their purpose is to discuss information which is privileged by a specific state or federal statute.

(Ord. No. 95-6)

25-2.205 Expansion of open meeting requirements.

(a) Policy bodies of the county which would not otherwise be subject to the Ralph M. Brown Act (Gov. Code Section 54950 et seq.) shall hold all meetings in open session. No closed sessions shall be allowed.

(b) No issues which are not included in the agenda may be acted upon or deliberated by the policy body. No urgency items may be added to the agenda.

(c) Public comment must be allowed on each agenda item and during a general comment period.

(d) Records or recordings of the meetings must be kept in a manner which accurately reflects the agenda and decisions made at the meeting. These records do not necessarily need to be verbatim records.

(Ord. No. 95-6)

25-2.206 Agendas and related materials—Public records.

(a) Staff material, consisting of agendas of policy body meetings, staff reports and other material prepared or forwarded by staff which provide background information and recommendations regarding agenda items, when distributed to all or to a majority of the members of a policy body in connection with a matter subject to discussion or consideration at a public meeting shall be made available to the public. All such staff material must be distributed to the policy body and be made available to the public ninety-six hours before a scheduled meeting or twenty-four hours prior to a meeting when the agenda item has been added to the agenda at a previous meeting of the policy body not more than seven days prior to the scheduled meeting. However, the policy body may, by a three-fourths vote, waive these time limits when, in its judgment, it is essential to do so, providing that the county administrator, appropriate department head or staff member furnishes to the board of supervisors or other policy body a written explanation as to why the material could not be provided to the board or other policy body and the general public within the above time limits.

(b) Records which are not exempt from disclosure and intended for distribution to the policy body shall be made available for public inspection and copying upon request whether or not actually distributed to or received by the body at the time of the request.

(c) Records which are releasable and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to and during, their discussion.

(d) A policy body of the county may charge a duplication fee in accordance with Section 25-4.610, for a copy of a public record prepared for consideration at a public meeting. Neither this section nor the California Public Records Act (Gov. Code § 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by this section, whether or not distributed to a policy body.

(Ord. No. 95-6)

Article 25-2.4. Closed Sessions

25-2.402 Closed sessions—Pending litigation.

(a) A policy body covered by the Ralph M. Brown Act, based on advice of its legal counsel, may hold a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the county in that litigation.

(b) Litigation shall be considered pending when any of the following circumstances exist:

(1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the county, an officer or employee of the county, or an agency of the county is a party, has been initiated formally;

(2) A point has been reached where, in the opinion of the policy body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the county, or the policy body is meeting only to decide whether a closed session is authorized pursuant to that advice;

(3) Based on existing facts and circumstances, the policy body has decided to initiate or is deciding whether to initiate litigation.

(c) Legal advice as to the potential risk of litigation of actions not yet taken, if provided by counsel at a meeting of a policy body, is to be conveyed openly as a matter of public record.

(d) A closed session may not be held under this section to consider the qualifications or engagement of an independent contract attorney or law firm, for litigation services or otherwise.

(e) Prior to holding a closed session pursuant to this section, the policy body shall disclose the justification for its closure either by entries in the appropriate categories on the agenda or, in the case of an item added to the agenda based on a finding of necessity and urgency, by an oral announcement specifying the same information.

(Ord. No. 95-6)

25-2.404 Closed sessions—Employee salaries and benefits.

(a) A policy body with authority concerning employee compensation and benefits may hold closed sessions with the county's designated representatives regarding the salaries, salary schedules or compensation paid in the form of fringe benefits to its represented and unrepresented employees. A policy body shall not discuss or negotiate compensation or other contractual matters in closed session with one or more employees directly interested in the outcome of the negotiations except as follows. The board of supervisors may, in closed session, discuss and provide direction to the county administrator or other negotiators representing the county regarding the salary and benefits of unrepresented management employees. The salary and benefits of members of the board of supervisors, the county administrator and department heads will be discussed and acted on separately by the board of supervisors in open session.

(b) In addition to the closed sessions authorized by subdivision (a), a policy body subject to Government Code Section 3501 may hold closed sessions with its designated representatives on mandatory subjects within the scope of representation of its represented employees, as determined pursuant to Government Code Section 3504.

(c) Closed sessions shall be for the purpose of reviewing the county's position and instructing its designated representatives and may take place only prior to and during consultations and discussions between the county's designated representatives and the representatives of employee organizations or the unrepresented employees.

(Ord. No. 95-6)

25-2.406 Report of closed session actions.

(a) After every closed session, a policy body may in its discretion and in the public interest, disclose to the public any portion of its discussion the disclosure of which is not prohibited by federal or state law. The body shall, by motion and vote in open session, elect either to disclose no information or to disclose the information which a majority deems to be in the public interest. The disclosure shall be made through the presiding officer of the body or such other person, present in the closed session, whom ~~he or she~~the presiding officer of the body designates to convey the information.

(b) A policy body shall publicly report any final action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Real Property Negotiations. Direction or approval given to the policy body's negotiator concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with the other party to the negotiations, the county shall disclose the fact of that approval, the substance of the agreement and the policy body's vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the county of its approval.

(2) Litigation. Direction or approval given to the policy body's legal counsel to prosecute, defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation under Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after the adverse parties have been served if, in the opinion of legal counsel, earlier disclosure would jeopardize the county's ability to effectuate service of process or to conclude existing settlement negotiations to its advantage, in a manner that identifies the adverse party or parties, any co-parties with the county, and the substance of the litigation, including the circumstances leading to the dispute.

(3) Settlement. Approval given to the policy body's legal counsel of a settlement of pending litigation as defined in Government Code Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding, shall be reported as soon as the settlement is final. If its own approval renders the settlement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with some other party to the litigation, the county shall disclose the fact of that approval, the substance of the agreement and the policy body's vote or votes thereon upon inquiry by any person, as soon as the settlement is final. The county shall neither solicit nor agree to any term in a final settlement which would preclude the release of the text and terms of the settlement itself and any related documentation communicated to or received from the adverse party or parties, or any other materials not originally constituting a confidential communication between the county and its counsel. The county shall oppose any request for confidentiality to which it is proposed the county would be a party.

(4) Claim Payments. Disposition reached as to claims discussed in closed session pursuant to Government Code Section 54956.95 shall be reported as soon as agreed upon by the claimant, in a manner that discloses the name of the claimant, the substance of the claim, and any monetary amount approved for payment.

(5) Employee Actions. Action taken by a policy body to appoint, employ, dismiss, transfer, accept the resignation of or otherwise modify the terms or duration of the employment contract of a public employee in closed session pursuant to Government Code Section 54957, shall be reported immediately in a manner that names the employee and position affected and specifies any change in compensation, job description, assignment or other contract particulars and, in the case of dismissal for a violation of law or of the policy of the county, the reason for dismissal. "Dismissal" within the meaning of this division includes any termination of employment at the will of the employer rather than of the employee, however characterized, including a resignation tendered as an alternative to involuntary termination. The proposed terms of any separation agreement shall be disclosed, along with its final terms, immediately upon final approval by the policy body. Provided, that the report of a dismissal or the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Collective Bargaining. Approval of a final agreement concluding labor negotiations pursuant to Government Code Section 54957.6 shall be reported as soon as it has been approved and ratified by all parties in a manner that describes the item approved, and identifies the other party or parties to negotiation. Such disclosure shall include all formal offers and counteroffer made over the term of the negotiations.

(c) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other affected documents that were finally approved or adopted by both sides after action in the closed session. These documents shall be provided to any person who requested such copies in a written request submitted within twenty-four hours of the posting of the agenda, or who has made a standing request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54944.1 or 54946.

(Ord. No. 95-6)

Article 25-2.6. Public Participation

25-2.602 Barriers to attendance prohibited.

No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the number of spectators at a meeting of the board of supervisors, or a permanent board or commission, or a permanent sub-quorum committee of the board of supervisors, exceeds the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway. If there be no public address system, or if supplementary speakers are not available at the time, the meeting shall be adjourned to a facility with capacity to accommodate all citizens present and wishing to attend.

(Ord. No. 95-6)

25-2.604 Public testimony at regular and certain special meetings.

A policy body shall not abridge or prohibit public criticism of the policies, procedures, programs or services of the county, or of any other aspect of its proposals or activities, or of the acts or omissions of the policy body, on any basis other than reasonable and uniformly applied time constraints provided in previously adopted rules.

(Ord. No. 95-6)

25-2.606 Public comment by members of policy bodies.

Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which ~~he or she~~the individual is a member. This county shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of nonpublic discussions, communications or actions with the requirements of state or federal law or of this division. The release of factual information made confidential by state or federal law including, but not limited to, the privilege for confidential attorney-client communications, may be the basis for a request for injunctive relief, a complaint to the grand jury seeking an accusation of misconduct, or both.

(Ord. No. 95-6)

Chapter 25-4 PUBLIC INFORMATION

Article 25-4.2. General

25-4.202 Definition of public information.

As used in this division, "public information" includes the content of "public records" as defined in the California Public Records Act (Gov. Code § 6252), whether provided in documentary form or in an oral communication.

(Ord. No. 95-6)

25-4.204 Release of documentary public information.

(a) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Gov. Code § 6250 et seq.) in any particulars not addressed by this division.

(b) Inspection and copying of documentary public information stored in electronic form shall be made to the person requesting the information in any form requested which is reasonably available to the county, its officers or employees, including disk, tape, printout, monitor or modem, at a charge no greater than the cost of the media on which it is duplicated, plus the direct costs of equipment, supplies and labor costs associated with duplicating the electronic file which is requested.

(c) To the extent permitted by law, nothing in this subdivision precludes a charge to recover development and maintenance costs for providing a higher level of service in providing access to computerized records when the cost has been approved by the board of supervisors. In establishing this charge, the board of supervisors shall take into account any savings to the county from the computerization of the service. In addition, such a

charge may be levied only when the original method of providing the service is maintained and available to the public without the increased charge.

(Ord. No. 95-6)

25-4.206 Release of oral public information.

Release of oral public information shall be accomplished as follows:

(a) Factual information about the county, unless exempt from disclosure under state or federal law or not disclosable under this division, may be released to a telephone caller or an office visitor by responsible employees conversant with the factual information. One or more brief factual questions may be answered as soon as the employee has obtained the information. More extensive information may be confined to an interview by appointment or by reference to information in documentary form.

(b) Information concerning the county's policies, positions on public issues, plans or intentions, or reactions to events may be released to a telephone caller or office visitor by the person with primary policy responsibility for the subject matter or by ~~his or her~~a designated spokesperson. Each department head shall, to the extent practicable, designate one or more spokespersons to be available for this purpose during normal business hours. Employees not authorized to provide such information may be prevented from doing so.

(c) Public employees shall not be prohibited from or disciplined for the expression of their legally protected personal opinions on any matter. Opinions should not be represented as those of the county, misrepresent the county's opinion, or interfere extraordinarily with the course of business of county departments.

(d) Department heads, with the advice and consultation of the county counsel, shall be encouraged to establish specific policies outlining legally protected opinions.

(Ord. No. 95-6)

Article 25-4.4. Public Records

25-4.402 Public review file—Policy body communications.

(a) Every policy body supported by county staff shall maintain a file, accessible to any member of the public during office hours, containing a copy of any letter, memorandum or other communication sent to or received from a quorum of a policy body irrespective of subject matter, origin or recipient, within the last thirty days except commercial solicitations, periodical publications or communications exempt from disclosure under state or federal law.

(b) The clerk of the board of supervisors shall maintain a listing of the name, address and telephone number of the custodian of all communications sent to or received by each policy body under the jurisdiction of the board of supervisors. This list shall be available to any individual upon request.

(c) Multiple-page reports, studies or analyses which are accompanied by a letter or memorandum of transmittal need not be included in the file so long as a copy of the letter or memorandum of transmittal is included.

(Ord. No. 95-6)

25-4.404 Nonexempt public records.

The following policies shall govern specific types of documents and information:

(a) Drafts and Memos. No preliminary draft or county memorandum shall be exempt from disclosure under Government Code Section 6254, subdivision (a) if it is normally kept on file. Preliminary drafts and memoranda concerning contracts, memoranda of understanding, or other matters subject to negotiation or pending board of supervisors' approval shall not be subject to disclosure pursuant to this provision until final action has been taken.

(b) Litigation Material.

(1) No prelitigation claim against the county shall be exempt from disclosure under Government Code Section 6254, subdivision (b).

(2) When litigation is finally adjudicated or otherwise settled, records of all communications between the county and the adverse party shall be subject to disclosure, including the text and terms of any settlement. Counsel for the county shall not solicit or agree to any settlement term which would restrict public disclosure after settlement of all terms and communication records between the parties, and any such term shall be void and unenforceable. All such records shall be released as soon as reasonably possible.

(c) Personnel Information. None of the following shall be exempt from disclosure:

(1) To the extent that such information is provided to the county and is summarized by the county for its reporting purposes, job pool characteristics and employment and education histories of the collective applicants, including the following information:

A. Sex, age and ethnic group,

B. Years of graduate and undergraduate study, degree(s) and major or discipline,

C. Years of employment in the private and/or public sector,

D. Whether currently employed in the same position for another public agency, and

E. Other nonidentifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question;

(2) The professional biography or curriculum vitae of every employee who has provided such information to the county, excluding home address, telephone number and social security number;

(3) The job description of every employee of the county;

(4) The exact amount of salary and county paid benefits of every employee of the county;

(5) Any memorandum of understanding between the county and one or more employees;

(6) In the case of non-merit system employees, the record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct;

(7) In the case of merit system employees, the record of any arbitration or merit board proceeding in which a county employee has been found to have committed acts of dishonesty, misappropriation of public funds or property, unlawful discrimination, unlawful abuse of authority or violence against another person, including the discipline imposed.

(d) Law Enforcement Information.

(1) The district attorney and sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to investigations, arrests and other law

enforcement activity. However, no provision of this division is intended to abrogate or interfere with the constitutional and statutory power and duties of the district attorney and sheriff as interpreted under Government Code Section 25303, or other applicable state law or judicial decisions.

(2) Local records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public after the district attorney or court determines that a prosecution will not be sought against the subject involved or the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly outweighs the public interest in disclosure:

(A) The names of juvenile witnesses (whose identities should nevertheless be indicated by substituting a number or alphabetic letter for each individual interviewed);

(B) Personal or otherwise private information related or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(C) The identity of a confidential source;

(D) Secret investigative techniques or procedures;

(E) Information whose disclosure would endanger law enforcement personnel; or

(F) Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

(e) Contracts, Bids and Proposals. Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the county and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded.

(f) Budgets and Other Financial Information. Budgets, whether proposed or adopted, for the county or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social, forensic or other services whose records are confidential by law, shall not be considered exempt from disclosure under any circumstances.

(Ord. No. 95-6)

(Ord. No. 2022-32, § II, 9-20-22)

Article 25-4.6. Public Records Access

25-4.602 Confidentiality waiver request.

Whenever a county officer asserts, as a justification for nondisclosure of a public record, the exemption protecting personal privacy in Government Code Section 6254(c), the exemption for names and addresses of crime victims in Government Code Section 6254(f)(2), the exemption for taxpayer information in Government Code Section 6254(i), any confidentiality or privilege statute referenced under Government Code Section 6254(k), the exemption for personal financial data in Government Code Section 6254(n), and any other claimed exemption based upon the personal or proprietary interests of a private natural or corporate person, the officer shall cooperate with the requester's efforts to communicate with the subject of the record as follows, upon request, if the requester fulfills the related terms and conditions.

(a) If the requester is seeking information concerning an unknown number of persons, the officer or designee shall inform the requester of the number or approximate number of persons to whom the public record request pertains. If ascertaining that number involves itemized labor or other costs reflecting more than ten minutes of staff time in research, the requester may be required to pay those itemized costs.

(b) The requester shall prepare one stamped envelope for each of the persons sought to be contacted, with the requester's return address on the envelope. Within the envelope the requester shall place a letter explaining why the information is being sought and asking the person to contact the requester. The requester may also include a self-addressed, stamped envelope for that purpose. The envelope shall be presented to the officer for mailing.

(c) The officer or designee shall affix to each envelope so received the mailing address of the person who is the subject of the information request and shall mail it, provided that a mailing address is included in the officer's records. Any staff time required to do so shall be required to be paid by the requester, at the pro rata hourly rate of the employee addressing the envelopes.

(d) If the subject of the record signs a privacy waiver, the record shall be released to the requester if it could lawfully be released to the person authorizing release.

(e) If the subject of the record is legally incompetent to waive privacy interests, the officer shall address the requester's envelope to the parent, guardian, conservator or judicial officer, as the case may be, if known, with the duty and authority to make such decisions for the incompetent person.

(f) If, in the judgment of the department head, the requestor is someone who may misuse the information, or if the records or the subjects of the records are of a sensitive nature, the department head may include in the mailing a caution that the individual need not waive ~~his or her~~ the individual's privacy interests. The requester shall be provided a copy of the caution and an opportunity to include a response in the mailing.

(Ord. No. 95-6)

25-4.604 Immediacy of response.

Notwithstanding the ten-day period for response to a request permitted in Government Code Section 6256, a request for a public record described in any nonexempt category under Section 25-4.204 which is received by a department head shall be satisfied no later than the close of business on the day following the request unless the department head advises the requester in writing that the request will be answered by a specific future date. The statutory deadlines are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request. If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with legal counsel warrants an extension of ten days as provided in Government Code Section 6256.1, the requester shall be noticed as required within three business days of the request.

(Ord. No. 95-6)

25-4.606 Minimum withholding.

Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 25-4.608 of this division.

(Ord. No. 95-6)

25-4.608 Justification of withholding.

Any refusal to disclose a public record shall be justified in writing as follows:

(a) A withholding under a permissive exemption in the California Public Records Act, this section or other law shall cite that authority and explain in practical terms, citing one or more examples, as to how the public interest would be harmed by disclosure.

(b) No records or information shall be withheld on the basis of the public interest balancing test in Government Code Section 6255 or by citing any case law application of that statute, without review and written approval from county counsel.

(c) A withholding on the basis that disclosure is prohibited by law shall cite the statutory authority in the Public Records Act or elsewhere.

(d) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any statutory or case law, supporting that position.

(Ord. No. 2016-26, § II, 12-13-16; Ord. No. 95-6)

25-4.610 Fees for duplication.

(a) No fee shall be charged for making public records available for review.

(b) No fee shall be charged for a copy of documents routinely produced in multiple copies for distribution, e.g., meeting agendas and related materials which are twenty or fewer pages in length per document.

(c) A fee of one cent per page may be charged for a copy of documents routinely produced in multiple copies for distribution, e.g., meeting agendas and related materials which contain more than twenty pages per document.

(d) For documents assembled and copied to the order of the requester, a fee not to exceed ten cents per page may be charged, plus any postage costs.

(e) The department or the county may, rather than making the copies itself, contract at market rate to have a commercial copier produce the duplicates and send the charges directly to the requester.

(f) Nothing in this section shall be interpreted as intending to preempt any fee set by or in compliance with state law.

(Ord. No. 95-6)

Chapter 25-6 ONGOING IMPROVED COMMUNICATION

Article 25-6.2. General

25-6.202 Records database.

The county shall cooperate with any voluntary effort by an interested and competent individual or organization to compile either a full text or partial database to the nonconfidential records it maintains, including those it creates and those it receives in the ordinary course of business. This shall include, to the extent permitted by law, providing the organization with any listing of the contents or titles of files which can be released without compromising the confidentiality of the contents of the files. The database shall be for the use of county officials, staff and the general public, and shall be organized to permit a general understanding of the types of public

information maintained, by which officials and departments, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g., by reference to a name, a date, a proceeding or project, or some other referencing system. The database need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master database shall be reviewed by appropriate staff for accuracy and presented to the board of supervisors for formal adoption. Any changes in the county's practices or procedures that would affect the accuracy of the database shall thereafter be reported by the responsible staff to the board of supervisors as the basis for a corresponding revision of the database.

(Ord. No. 95-6)

25-6.204 Policy task force.

(a) There is established a task force to be known as the better government task force consisting of nine voting members appointed by the board of supervisors. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from individuals whose names have been submitted by the Radio-Televisions News Directors Association. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. One member shall be a representative designated by the board of supervisors. Two members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be county department heads nominated by the county administrator. The county counsel shall serve as legal advisor to the task force.

(b) The term of each appointive member shall be two years unless earlier removed by the board of supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The task force shall elect a chair from among its members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the board of supervisors and provide information to county departments on appropriate ways to implement this chapter. The task force shall recommend appropriate goals to ensure practical and timely implementation of this chapter. The task force may propose to the board of supervisors amendments to this chapter. The task force may report to the board of supervisors on any practical or policy problems encountered in the administration of this chapter.

(d) The task force shall recommend to the board of supervisors an administrative process of review and enforcement for Division 25 which could be accomplished by the use of a volunteer ombudsman whose role would be to mediate and resolve disputes disagreements and conflicts that occur as a result of the enactment of this division. No such administrative review process shall preclude, delay or in any way limit a person's remedies under the Brown Act or the California Public Records Act.

(e) Upon the conclusion of the administrative review process, as implemented pursuant to Section 25-6.204, any person may institute proceedings for injunctive relief or declarative relief or writ of mandate in any court of competent jurisdiction to enforce ~~his or her~~the person's right to inspect or to receive a copy of any public record or class of public records under this division, or to enforce ~~his or her~~ the person's right to attend any meeting required hereunder to be open, or to compel such meeting to be open.

(f) The county shall pay reasonable court costs and attorney's fees to the plaintiff should the plaintiff prevail and the court order such fees to be paid. If the litigation is judged to be frivolous by the court, the county will assert its rights to be paid reasonable court costs and attorney's fees.

(Ord. No. 95-6)

Chapter 25-8 GENERAL

25-8.202 Criminal enforcement exception.

The provisions of Chapter 14-8 of Division 14 of Title 1 are inapplicable with respect to the provisions of this division.

(Ord. No. 95-6)

Division 26 COMMISSIONS, AGENCIES AND BOARDS*

* For purchasing agent and procedures, see Ch. 1108-2, this code.

*Chapter 26-2 PLANNING AGENCY**

Article 26-2.2. General

26-2.202 Established.

(a) Pursuant to Chapters 3 and 4 of Title 7 of the Government Code (Sections 65100 ff), the Contra Costa County planning agency is established.

(b) It consists of the following divisions:

(1) Board of supervisors;

(2) Planning commission;

(3) Planning department;

(4) Board of appeals;

(5) Zoning administrator;

(6) Advisory agency; and

(7) Area planning commissions.

(Ords. 77-62 § 1 (part), 77-33 § 2, 71-110 § 3, 1975: prior code § 2200: Ord. 917).

26-2.204 Composition, appointment, powers, duties, hearings and decisions.

The composition and manner of appointment of, functions, duties and powers of, hearing and decision provisions applicable to the divisions of the planning agency shall be as set forth in this chapter.

(Ords. 77-62 § 1 (part), 1975: prior code §§ 2201, 2202, 2204: Ords. 1433, 971).

26-2.206 Time limits.

The time limits specified in this chapter may be extended by mutual consent of the parties concerned.

(Ords. 77-62 § 1 (part), 77-33 § 3).

Article 26-2.4. Planning Commission

26-2.402 Planning commission—Appointment.

The planning commission shall consist of seven members appointed by the board in the manner prescribed in Section 26-2.404.

(Ords. 79-135 § 1, 69-60 § 1, 1975: prior code § 2201.10: Ord. 917).

26-2.404 Planning commission—Method of selection.

The seven members of the planning commission shall be appointed by the board on the basis that one member shall be nominated by each of the five supervisors and two members shall be nominated by the board of supervisors as a whole.

(Ord. 79-135 § 2, 1975: prior code § 2201.11: Ord. 917).

26-2.406 Planning commission—Terms of office.

The appointive commissioners serve for four-year terms beginning on July 1st and ending on June 30th and when the successor qualifies. In-term replacements serve for the departed commissioner's unexpired term. The present nominated and appointed commissioners' terms end on June 30th, and thereafter appointed successors, terms begin on July 1st of the following years:

Supervisor of District No. 1—1979,

Supervisor of District No. 2—1981,

Supervisor of District No. 3—1981,

Supervisor of District No. 4—1979,

Supervisor of District No. 5—1979, 1981, and

Whole Board (at large)—1980 and 1982.

(Ords. 78-84, 78-74, 73-58 § 1, 1975: prior code § 2201.12: Ord. 917).

26-2.408 Planning commission—Powers and duties.

The planning commission shall:

(1) Exercise all powers and duties prescribed by law (statute, ordinance or board order), including consideration of matters referred to it by the zoning administrator except those powers and duties specifically reserved or delegated to other divisions of the planning agency;

(2) Initiate preparation of general plans, specific plans, regulations, programs and legislation to implement the planning power of the county;

(3) Be generally responsible for advising the legislative body of matters relating to planning, which, in the opinion of the commission, should be studied;

(4) Be the advisory agency as designated in Title 9 of this code for the purpose of passing on subdivisions;

(5) Hear and decide all applications or requests for proposed entitlements estimated to generate one hundred or more peak hour trips unless otherwise provided by this code or board order; and

(6) Hear and make recommendations regarding proposed development agreements when it is hearing the related project applications being processed concurrently with the development agreements.

(Ords. 92-73 § 2, 92-66 § 1, 91-50 § 1, 77-33 § 4, 1975: prior code § 2202.20: Ord. 917).

Article 26-2.6. Advisory Agency and Minor Subdivision Review Committee

26-2.602 Advisory agency.

For the purposes of the Subdivision Map Act, Division 2 of Title 7 of the Government Code, the advisory agency shall consist of the planning commission and zoning administrator who shall pass on subdivisions as provided in Title 9 of this code.

(Ord. 77-33 § 5).

26-2.604 Minor subdivision review committee.

(a) The minor subdivision review committee is established and shall consist of one representative for each of the following departments or groups who shall be designated by the respective department's chief administrative officer:

(1) Building inspection department;

(2) Health department;

(3) Planning department;

(4) Public works department and the Contra Costa Flood Control and Water Conservation District.

(b) The minor subdivision review committee shall:

(1) Review all minor subdivision applications,

(2) Prepare a report and recommendation on each minor subdivision application for submittal to the zoning administrator for consideration prior to a decision being made on an application.

(Ord. 77-33 § 5).

Article 26-2.8. Planning Department

26-2.808 Planning department—Powers and duties.

The planning department shall:

(1) Perform the duties required for the proper preparation and administration of the general plans, as provided by statute and ordinance;

(2) Perform the duties required for the proper preparation and administration of specific plans and regulations as provided by statute and ordinance;

(3) Provide administrative support and professional advice to the planning commission, area planning commissions, board of appeals, and zoning administrator;

(4) Perform special studies and surveys as directed by the board of supervisors;

(5) Based upon the general plan and other information available to it, evaluate applications or requests for entitlements made pursuant to this chapter and Titles 8 or 9 and estimate whether the proposed entitlement would generate one hundred or more or less than one hundred peak hour trips.

(Ords. 92-66 § 2, 91-50 § 2, 77-62 § 2, 77-33 § 6, 1975: prior code § 2202.40: Ord. 917).

Article 26-2.10. Board of Appeals

26-2.1002 Board of appeals—Composition.

The board of appeals shall be composed of the voting members of the planning commission.

(Ord. 1975: prior code § 2201.40: Ord. 917).

26-2.1004 Board of appeals—Powers and duties.

The board of appeals shall hear and decide all appeals from decision of the zoning administrator.

(Ords. 77-33 § 7, 1975: prior code § 2202.60: Ord. 917).

Article 26-2.12. Zoning Administrator

26-2.1202 Zoning administrator—Designation.

The community development director is designated as the zoning administrator, except that the director may appoint in writing one or more deputy zoning administrators, and may assign to each deputy zoning administrator one or more of the zoning administrator's powers and duties as set forth in section 26-2.1204. The director may further assign deputy zoning administrators to act on matters within limited or specified geographical areas, including special districts, school districts and within the geographical boundaries of agencies and authorities governed by the board of supervisors.

(Ords. 97-23 § 2, Ord. 1975: prior code § 2201.50: Ord. 917).

26-2.1204 Zoning administrator and deputy zoning administrators—Powers and duties.

Unless otherwise provided by this code, the zoning administrator and deputy zoning administrators, consistent with the scope of and to the extent specified by the community development director in their appointment, shall:

(1) Hear and decide all applications for variance permits, including off-street parking and loading requirements, highway setback requirements and sign requirements. Further, the zoning administrator shall review and decide all site, development, elevations, off-street parking and loading and landscaping plans and drawings, and plans and drawings for location, size and design of signs. Where matters covered by this paragraph are requested with the filing of a tentative minor subdivision map, the entire application shall be considered by the division charged with reviewing the map;

(2) Hear and decide all requests for conditional use permits (also referred to as land use permits);

(3) Be part of the advisory agency for the purpose of passing on minor subdivision and tentative maps as specified in Title 9 of this code;

(4) Hear and decide all applications or requests for proposed entitlements estimated to generate less than one hundred peak hour trips;

(5) Hear and make recommendations regarding proposed development agreements when such agreements are processed separately from the development project applications; and

(6) Hear and act on such other matters as specifically assigned by ordinance or board resolution or order.

(Ords. 97-23, § 2; 92-73 § 3: 92-66 § 3, 1992: 91-50 § 3, 77-33 § 8, 1975: prior code § 2202.50: Ord. 917).

26-2.1206 Referrals.

The zoning administrator or deputy zoning administrator may, on the zoning administrator's or deputy zoning administrator's ~~his or her~~ own motion and without prior notice or hearing, refer any of the matters covered by Section 262.1204 to the planning commission for hearing, consideration and initial decision.

(Ords. 97-23 § 2; 77-33 § 9).

Article 26-2.14 Board of Supervisors

26-2.1402 Board of supervisors—Powers and duties.

The board of supervisors, as the legislative body, shall:

(1) Exercise all appointing power provided under state law and this chapter including appointment of the director of planning, and the voting members of the planning commission in the manner prescribed in Section 26-2.404;

(2) Adopt general and specific plans, regulations and ordinances;

(3) The functions specified in Government Code Section 65401 shall be performed by the county administrator and board of supervisors;

(4) Be the final appellate body on all matters as specified in this chapter.

(Ord. 1975: prior code § 2202.10: Ord. 917).

Article 26-2.15. Area Planning Commissions

26-2.1502 Composition, appointment and terms.

Each regional planning commission established pursuant to this article shall consist of regional area resident members appointed by the board of supervisors for staggered terms of four years, and subject to removal by the board at its pleasure.

(Ord. 88-75 § 1, 86-47, 79-127 § 1, 77-62 § 3: See Gov. C. §§ 65101 and 65902).

26-2.1503 East county regional planning commission appointment and terms.

(a) Each east county regional planning commission member is appointed by the board of supervisors and is subject to removal by the board at its pleasure.

(b) Notwithstanding the provisions of Section 26-2.1502, from and after the effective date of Ordinance No. 2009-07, the term of each east county regional planning commission member is coterminous with, and expires at the expiration of, the term of the county supervisor who represents the unincorporated community where the commission member resides. A commission member whose term expires shall

continue to serve until a successor is appointed. A commission member is eligible for reappointment to additional terms.

(c) Any vacancy on the east county regional planning commission shall be filled by the board of supervisors by appointment for the remainder of the unexpired term.

(Ord. No. 2009-07, § II, 3-31-09)

26-2.1504 Power and duties.

Each regional planning commission in its territory has all functions, powers and duties assigned or delegated to the planning commission in this chapter and Title 9 of this code, except the following functions, powers, and duties which remain with the planning commission or zoning administrator:

(1) All applications and requests specified in Section 26-2.1204 shall continue to be heard and decided by the zoning administrator.

(2) All recommendations concerning proposed amendments to this code, required by law or requested by the board, shall be made by the planning commission unless the board directs regional planning commission recommendations.

(3) All initiation, consideration and recommendations concerning general plan amendments, required by law or requested by the board, shall be made by the planning commission unless the board directs exclusive regional planning commission consideration and recommendation on a proposal of local interest.

(4) All initiation, consideration, recommendations or decisions on applications, proposals or matters involving county-wide transportation, airports (Division 86), waste sites (including Chapter 418-4), detention, hospital, reservoir or fire facilities, shall be made by the planning commission unless the board directs exclusive regional planning commission consideration, recommendation or decision on any specifically assigned application, proposal or matter.

(5) Such other applications, proposals or matters that may be specifically assigned by board determination or order to the planning commission.

(Ords. 86-47, 85-14 § 2, 78-27, 7-62 § 3).

26-2.1505 Area commission general plan changes.

When the board refers any proposed general plan change or addition concerning a regional planning commission's territory to that commission for review and comment, it shall provide the board with its written comment on the proposed change or addition.

(Ords. 86-47, 85-14 § 3, 78-27, 77-62 § 3).

26-2.1506 Appeals.

All appeals from decisions of regional planning commissions shall be heard and decided by the board of supervisors.

(Ords. 86-47, 77-62 § 3).

26-2.1508 Designated review.

(1) Planning Commission. Whenever the board determines or orders that application(s) or matter(s) otherwise involving functions, powers or duties assigned or delegated to a regional planning commission be done and completed by the planning commission, the planning commission shall have exclusive jurisdiction to perform and complete those specifically signed functions, powers or duties for the purposes of this chapter and Title 9 of this code.

(2) Regional Planning Commission. Whenever the board determines or orders that application(s) or matter(s) otherwise involving functions, powers or duties assigned or delegated to the planning commission be done and completed by a regional planning commission, the regional planning commission shall have exclusive jurisdiction to perform and complete those specifically assigned functions, powers or duties for the purposes of this chapter and Title 9 of this code.

(Ord. 86-47).

26-2.1510 San Ramon Valley area.

The San Ramon Valley regional planning commission is established and shall have seven members and as its territorial area of jurisdiction all of the unincorporated territory covered by the San Ramon Valley General Plan adopted by the board on May 24, 1977, by Resolution No. 77/436, and future amendments thereto.

(Ords. 97-37 § 1, 95-43 § 1, 93-85 § 1, 92-66 § 5, 92-5 § 1, 88-75 § 3, 66-47, 77-62 § 3).

26-2.1512 East county regional planning commission.

The east county regional planning commission is established and shall have five members. The commission shall have a member from each of the following five unincorporated communities: Bay Point, Bethel Island, Byron, Discovery Bay and Knightsen. The commission's territorial area of jurisdiction is all of the unincorporated territory located in the area bounded on the north, east and south by the Contra Costa County line and on the west by a line beginning at the most northwesterly point of the Delta Diablo Sanitation District and following the westerly border of that district and the extension of that boundary line to the south to its intersection with the Concord city limit line, following a northeasterly and then southeasterly direction along the easternmost Concord city limit line, following a northeasterly and then southeasterly direction along the easternmost Concord city limit and sphere of influence line to its intersection with the Clayton sphere of influence line, following the line to its northeasternment point, and from that point to the southwest corner of the Black Diamond Regional Reserve, following the southern border of that reserve to its most southeastern corner, and from that point due south to its intersection with the easternment boundary of the San Ramon Valley Area general plan and following that boundary in a southeasterly direction to its intersection with the Contra Costa and Alameda County line. The "East County Regional Planning Commission Boundary Description Map," which is on file with the clerk of this board, is adopted by this reference and available for public inspection in the community development department.

(Ords. 99-56 § 2, 99-55 § 2, 97-37 § 1, 95-43 § 1, 93-85 § 1, 92-66 § 5, 92-45 § 1, 91-50 § 4, 88-75 § 3, 88-65 § 1, 86-47).

26-2.1514 Repeal.

Sections 26-2.1510 and 26-2.1512 of the County Ordinance Code are repealed and of no further force and effect beginning on October 6, 2009, unless this board otherwise provides before then.

(Ords. 2008-26 § 2, 2007-46 § 2, 2007-45 § 2, 2003-20 § 2, 2003-19 § 2, 99-50 § 2, 99-49 § 2, 97-36 § 1).

Article 26-2.16. Application

26-2.1602 Application—Generally.

Application for rezoning, conditional use, variance, special permits or any other matter designated to come before the planning agency shall be made to the planning department.

(Ord. 1975: prior code § 2203: Ord. 917).

26-2.1604 Application—Applicant qualifications.

A qualified applicant is any person or firm, or authorized agent, having a freehold interest in the subject land; or having a possessory interest entitling the applicant~~him~~ to exclusive possession; or having a contractual interest which may become a freehold or exclusive possessory interest and is specifically enforceable. Proof of such an interest may be required. A person acting as agent for a qualified applicant must attach a copy of written authority to act.

(Ord. 1975: prior code § 2203.10: Ord. 917).

26-2.1606 Application—Fees.

In accordance with Article 26-2.28, fees shall be paid with the submission of an application for filing of a request for rezoning, conditional (land) use permit, variance permit, development plan permit, other special permit, and planned unit district rezoning or final development plan approval.

(Ord. 74-2 § 1, 1974: Ord. 1975: prior code § 2203.13: Ord. 917).

Article 26-2.18. Rezoning

26-2.1802 Rezoning—Application requirements.

Application form for rezoning shall include, but is not limited to, a map description of the subject property, names of adjoining streets and property owners, zoning and general plan designation of subject and adjoining property, zoning history of subject property, a brief description of the justification for the request and a statement of how the request conforms to, and is consistent with, the applicable general and specific plans. The planning department may adopt a form which will be used for applications.

(Ords. 85-56 § 2, 1975: prior code § 2203.11: Ord. 917).

26-2.1803 Rezoning—Renewed application after denial.

If any application for rezoning involving reclassifying certain land(s) from one zoning district to another is not granted, no new application therefor shall be made or accepted within one year after final action on the earlier application, unless:

(1) Less intensive land uses are allowable in the newly proposed zoning district than in the earlier one; and

(2) The planning director finds that the circumstances have materially changed since the earlier application was first filed.

"Materially changed circumstances" means:

(1) A change in zoning districts or land uses on or near the land(s); and/or

(2) A change in the land area for which reclassification is proposed; and/or

(3) An amendment to the county general plan which may affect the property.

(Ord. 72-49 § 1, 1972: prior code § 2203.11a).

26-2.1804 Rezoning—Notice requirements.

The planning department shall schedule and give notice of hearing for zoning and applications for rezoning as required by Government Code Sections 65854 and 65854.5.

(Ords. 78-54 § 1, 1975: prior code § 2203.14: Ord. 917, 856).

26-2.1806 Rezoning—Standards.

An application for rezoning is a request for change of the land use district applicable to the subject property or to amend the uses permitted in a land use district. Before ordering such change the planning agency shall determine that:

(1) The change proposed will substantially comply with the general plan;

(2) The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent districts;

(3) Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

(Ord. 1975: prior code § 2204.20: Ord. 917).

Article 26-2.20. Variance, Conditional Use and Special Permits

26-2.2002 Variance, conditional use and special permits—Application requirements.

Except as waived by the planning director the application form for a conditional use, variance or special permit shall include, but is not limited to, the following:

(1) A plot plan drawn to scale indicating dimensions and area of the subject property;

(2) Locations of existing and proposed improvements on the subject property;

(3) Names of adjoining property owners;

(4) Names of adjoining streets;

(5) Locations of existing improvements on adjacent properties;

(6) A statement of how the request is consistent with, and will further the goals and objectives of the general plan including, but not limited to, its community facilities element; and

(7) Where extreme grades exist the direction of slope and other facts necessary to accurately depict the request exception in relation to the subject and adjacent properties. The planning department may adopt a form which will be used for applications.

(Ords. 85-56 § 3, 1975: prior code § 2203.12: Ord. 917).

26-2.2003 Variance, conditional use and special permits—Renewed application after denial.

If any application for a conditional use permit, variance, or special permit is denied (unless the denial is without prejudice to refiling) no new application shall be made or accepted within one year after the effective date of denial, unless:

(1) The applicant shows material change in the circumstances upon which the denial was based; and

(2) The planning director accepts the new filing on these grounds. If the planning director rejects the new application, the planning director~~he~~ shall communicate the ~~his~~ reasons for rejection to the applicant.

"Materially changed circumstances" means that:

(A) The proposed use or variance is significantly different from that originally applied for; and/or

(B) The lot involved has been diminished or enlarged with the result that the proposed use or variance would be more compatible to the revised lot than the situation originally applied for; and/or

(C) There has been a change in zoning classification which significantly affects this land.

(Ord. 72-49 § 2: prior code § 2203.12a).

26-2.2004 Variance, conditional use and special permits—Notice requirements.

(a) Mail—Addresses. Except as provided by Article 26-2.21, the planning department shall schedule a hearing before the appropriate division and mail notice thereof pursuant to Government Code Section 65905. The mail notice shall be given, by postage prepaid first-class United States mail, to all owners of real property within three hundred feet of the subject land, using addresses from the last equalized assessment roll, or from such other records (as the assessor's or tax collector's) as contain more recent addresses in the opinion of the planning director.

(b) Contents. The notices shall state the time, date and place of the hearing, the general nature of the application, and the street address, if any, of the property involved or its legal or boundary description if it has no street address. Substantial compliance with these provisions for notice is sufficient, and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this article.

(c) Revocations. Notice of hearings on revocations shall be given in the same manner as on applications.

(Ords. 80-87 § 1, 78-54 § 2, 1975: prior code § 2203.15: Ords. 917 § 5.1, 856 § 1, 382 § 7: see Gov. C. § 65901).

26-2.2006 Variance, conditional use and special permits—Variance permit standards.

An application for a variance permit is an application to modify zoning regulations as they pertain to lot area, lot building coverage, average lot width, lot depth, side yard, rear yard setback auto parking space building or structure height, or any other regulation pertaining to the size, dimension, shape or design of a lot, parcel, building or structure, or the placement of a building or structure on a lot or parcel. The division of the planning agency hearing the matter either initially or on appeal shall find the following conditions that must exist prior to approval of an application:

(1) That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located;

(2) That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district;

(3) That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located. Failure to so find shall result in a denial.

(Ord. 1975: prior code § 2204.30: Ord. 917).

26-2.2008 Variance, conditional use and special permits—Conditional use permit standards.

An application for a conditional use permit is an application to establish a conditional land use within a land use district which does not allow establishment by right, but does allow the granting of a land use permit after a public hearing. The division of the planning agency hearing the matter either initially or on appeal, shall find the following before granting the permit:

(1) That the proposed conditional land use shall not be detrimental to the health, safety and general welfare of the county;

(2) That it shall not adversely affect the orderly development of property within the county;

(3) That it shall not adversely affect the preservation of property values and the protection of the tax base within the county;

(4) That it shall not adversely affect the policy and goals as set by the general plan;

(5) That it shall not create a nuisance and/or enforcement problem within the neighborhood or community;

(6) That it shall not encourage marginal development within the neighborhood;

(7) That special conditions or unique characteristics of the subject property and its location or surroundings are established. Failure to so find shall result in a denial.

(Ord. 1975: prior code § 2204.40: Ord. 917).

26-2.2010 Variance, conditional use and special permits—Special permit standards.

An application for a special permit shall be primarily governed by the code provision authorizing its issuance, but in the absence of specific standards, either the standard prescribed for variance or conditional use permits shall apply, whichever is deemed more appropriate.

(Ord. 1975: prior code § 2204.50: Ord. 917).

26-2.2012 Variance, conditional use and special permits—Termination.

Conditional use, variance and special permits and licenses issued pursuant to this chapter or Title 8 of this code shall terminate as provided in Sections 26-2.2014 through 26-2.2018.

(Ords. 77-33 § 10, 1975, 1495: prior code § 2206: Ord. 917).

26-2.2014 Variance, conditional use and special permits—Exercise and use.

A permit issued under provisions of this chapter shall be deemed to be exercised, used or established when, within one year of the granting, or within the time otherwise specified on the permit, a building permit is issued by the building inspector for the purpose and location described on the permit, providing that the building permit does not expire. If no building permit is required under the building code to establish such variance, use or other matter granted, then the permit shall be deemed to be exercised, used or established when clear and visible evidence is demonstrated on the subject property as to its beginning and continual development thereafter until completed.

Upon a showing of good cause therefor, the director of planning may extend the period of a permit, in which it is to be exercised, used or established, for a maximum of one additional year.

A time period stated in the permit shall govern over this provision.

(Ord. 1975: prior code § 2206.10: Ord. 917).

26-2.2016 Variance, conditional use and special permits—When void—Time extension.

If a use is established according to the terms and conditions of a permit and the use is discontinued for any reason for a period of six months, the permit shall become void and the use shall not be resumed. Upon application during the six months period by the owner and upon a showing of good cause the director of planning may grant an extension not to exceed a total of six months.

(Ord. 1975: prior code § 2206.20: Ord. 917).

26-2.2018 Variance, conditional use and special permits—Previously expired.

Any permit previously issued which expired, was revoked or became void under any provision of law then in effect shall not be revived by any of these provisions.

(Ord. 1975: prior code § 2206.30: Ord. 917).

26-2.2020 Variance, conditional use and special permits—Enforcement.

Conditional use, variance and special permits are subject to the enforcement provisions of Sections 26-2.2022 through 26-2.2030 and all other enforcement remedies allowed by law.

(Ords. 2008-04 § 2, 1975: prior code § 2207: Ord. 917).

26-2.2022 Variance, conditional use and special permits—Modification, suspension and revocation.

A permit may be modified, suspended or revoked on any of the following grounds:

(a) The failure to comply with any term, limitation or condition of the permit;

(b) The property or portion thereof subject to the permit is used or maintained in violation of any requirement of this code;

(c) The use for which the permit was granted has been so exercised as to be detrimental to the public health or safety or as to constitute a nuisance;

(d) The permit was issued in whole or in part on the basis of a misrepresentation or omission of a material statement in the permit application or in the applicant's testimony at any public hearing on the permit;

(e) A license required for the conduct of the business on the premises covered by the permit has been suspended or revoked;

(f) Any permittee, operator, or employee has been convicted of a violation of federal law or state law or county ordinance in connection with the operation of the permitted use.

(Ords. 2008-04 § 3, 1975: prior code § 2207.10: Ord. 917).

26-2.2024 Hearing notice.

(a) Except as otherwise provided in this section, the hearing on modification, suspension or revocation will be scheduled by the planning department before the division of the planning agency having initial authority to grant the permit.

(b) If within the last two years the board of supervisors has made a decision on the permit, the hearing on modification, suspension or revocation will be scheduled before the board.

(c) The planning department will give notice of the hearing pursuant to Section 26-2.2004. The notice will contain the information specified in Section 26-2.2004 and will also state the ground or grounds for modification, suspension or revocation.

(Ords. 2008-04 § 4, 85-20 § 1, 1975: prior code § 2207.30: Ord. 917).

26-2.2026 Variance, conditional use and special permits—Revocation hearing—Procedure.

The hearing shall be conducted according to any rules of procedure adopted for initial hearing, except that the department shall have the burden of proving the charges and shall open and close the hearing.

(Ord. 1975: prior code § 2207.30: Ord. 917)

26-2.2028 Variance, conditional use and special permits—Hearing decision and effect.

(a) The division of the planning agency hearing the matter will render its decision and make findings in support of its decision in writing.

(b) The division of the planning agency hearing the matter may order one or more of the following, based on the nature, severity and frequency of the violations:

(1) Modified permit terms, limitations or conditions;

(2) Additional permit terms, limitations or conditions;

(3) Requirements for monitoring, or additional monitoring, of the property at the permittee's expense to determine compliance with permit terms, limitations and conditions;

(4) A specified probationary period for correction of violations;

(5) A future review at a time specified;

(6) Permit Suspension. If a permit is suspended, the use or activity authorized under the permit shall cease for the term of the suspension. If the use or activity continues during the term of the suspension, each day the use or activity occurs during the term of the suspension is a separate code violation;

(7) Permit Revocation. If a permit is revoked, the use or activity authorized under the permit shall terminate. If the use or activity continues following the revocation, each day the use or activity occurs is a separate code violation.

(Ords. 2008-04 § 5, 1975: prior code § 2207.40)

26-2.2030 Variance, conditional use and special permits—Appeal of decision.

If the permittee is dissatisfied with the decision, ~~he~~ the permittee may appeal as provided in Section 26-2.2406. The appeal shall be on the record only consisting of the application, a transcript of all testimony and map, plans or other exhibits offered in evidence. The appellant, in addition to payment of the fee on appeal, shall deposit with the planning department the estimated cost of preparing the record on appeal, any unused portion of which shall be refunded. The record on appeal shall consist of one original and sufficient copies to provide one copy for the appellant and one copy for each member of the division hearing the appeal.

(Ords. 2008-04 § 7, 1975: prior code § 2207.50: Ord. 917)

Article 26-2.21. Administrative Decisions

26-2.2102 Decisions without public hearing.

Unless otherwise required by this article, the zoning administrator may, without public hearing, decide applications for any of the following:

(a) A variance permit pursuant to subsection (1) of Section 26-2.1204.

(b) A minor subdivision pursuant to subsection (3) of Section 26-2.1204, including an application for improvement exceptions.

(c) A small lot occupancy permit pursuant to subsection (c) of Section 82-10.002.

(d) A wireless facility access permit pursuant to Chapter 88-24.

(e) A short-term rental permit that does not meet one or more of the short-term rental regulations specified in Section 88-32.602.

(f) An industrial hemp cultivation permit renewal pursuant to Section 88-34.412.

(g) A sign permit pursuant to Chapter 88-6.

(Ord. No. 2022-03, § III, 5-24-22; Ord. No. 2021-21, § III, 7-27-21; Ord. No. 2020-12, § III, 6-2-20; Ord. No. 2020-01, § III, 1-21-20; Ord. No. 2017-11, § III, 5-23-17; Ord. No. 2016-11, § III, 5-24-16; Ord. No. 2011-05, § V, 3-15-11; Ords. 95-51, § 3, 80-87 § 2: See Gov. C. § 65901)

26-2.2104 Notice.

Before the zoning administrator decides any application pursuant to this article, the planning department shall mail or deliver notice of intent to decide the application pursuant to Government Code Section 65901 and the notice provisions of Section 26-2.2004. The notice shall state the last day to request a public hearing on the application (which shall be no less than ten days after date of mailing or delivery), the general nature of the application (including any subdivision exception requested), and the street address, if any, of the property involved or its legal or boundary description if it has no street address.

(Ord. 80-87 § 2: see Gov. C. § 65901)

26-2.2106 Hearing required.

If, within ten calendar days after mailing or delivery of the notice of intent, a written request for public hearing is filed with the planning department, it shall schedule a public hearing on the application in accordance with applicable provisions of this chapter and mail notice thereof to the applicant, the owner and any other persons requesting a hearing.

(Ord. 80-87 § 2: See Gov. C. § 65901)

Article 26-2.22. Hearings

26-2.2202 Hearing—Rules and burden of proof.

Hearings shall be conducted in accordance with rules that may be adopted by the respective divisions of the planning agency, within the intent expressed in Government Code Sections 65800, 65801, 65802, and 66451. The applicant shall have the burden of producing evidence to convince the agency hearing the matter that all standards are met and the intent and the purpose of the applicable regulations and goals and objectives of the general plan will be satisfied. Failure to satisfy this burden shall result in a denial.

(Ords. 77-33 § 11, 1975: prior code § 2204.10: Ord. 917).

26-2.2204 Hearing—Initial.

Assignment for initial hearing shall be as follows:

Subject	Division of Agency
General plan	Planning commission
Specific plans and regulations	Planning commission
Subdivisions and related variances	Planning commission
Zoning and rezoning	Planning commission
Minor subdivisions and related variances	Zoning administrator
Conditional use permits	Zoning administrator
Special permits Zoning	administrator
Variance permits Zoning	administrator

(Ords. 77-33 § 12, 1975: prior code § 2204.60: Ord. 917).

26-2.2206 Hearing—Approval conditions.

In approving a subdivision, parcel map, conditional use, special or variance permit the division of the planning agency deciding the matter, initially or on appeal, may limit or condition the approval so as to assure the intent and purpose of applicable standards and regulations will be met and the goals and objectives of the general and specific plans will be achieved. Such approval may be made subject, but is not limited to, conditions imposing dedication, improvements, dimensional restrictions, site plan approval, architectural standards, access controls, time limit, supplemental review, phasing of improvements, planting or screening.

(Ord. 1975: prior code § 2204.70: Ord. 917).

26-2.2208 Hearing—Decisions generally.

All decisions shall be made in writing and filed with the planning department. A decision of any division of the planning agency, except a general or specific plan matter or a matter requiring adoption of an ordinance, shall be final when filed with the planning department, unless an appeal is filed within the time allowed. Acceptance of the decision shall constitute an agreement on behalf of the applicant and owner, their heirs, successors and assigns, to comply with all the terms and conditions and statutes. A true copy of the permit shall be delivered by the seller to the buyer of the entire parcel or any portion of the property affected by the permit.

(Ord. 1975: prior code § 2204.80: Ord. 917).

26-2.2210 Hearing—Decision time limits.

Decisions shall be rendered after the closing of the hearing by divisions of the planning agency on or before the times specified:

(1) Zoning administrator, thirty calendar days;

(2) Planning commission, forty-five calendar days;

(3) Board of appeal, forty-five calendar days;

(4) Board of supervisors, ninety calendar days;

(Ords. 77-33 § 13,1975: prior code § 2204.90: Ord. 917).

26-2.2212 Subdivision, hearing and decision time limits.

Notwithstanding the time limits specified in Section 26-2.2210, unless the time limits specified by the Subdivision Map Act and this chapter have been waived or the subdivision map under consideration is being considered in conjunction with or is conditioned upon the obtaining of a zoning variance, final development plan or rezoning, all hearings and decisions of the divisions of the planning agency regarding the approval (initial or on appeal) of subdivision maps, but not including parcel maps and tentative maps therefor, will be done on or before the times specified in Chapter 3 (Gov. C. §§ 66541 ff.) of the Subdivision Map Act.

(Ord. 77-33 § 14).

Article 26-2.23. Subdivisions

26-2.2302 Notice.

Whenever a public hearing is held concerning a tentative, parcel or final subdivision map, or the kind, nature or extent of the improvements required for a subdivision, or a reversion to acreage, the planning department shall schedule a hearing before the appropriate division, and give published and mailed notice thereof pursuant to Government Code Sections 66451.3 and 66451.4.

(Ord. 82-36 § I).

Article 26-2.24. Appeals

26-2.2402 Appeal—General.

Appeal from any decision of a division of the planning agency shall be governed by the provisions set forth in this article.

(Ords. 77-33 § 15 (part), 1975: prior code § 2205: Ord. 917).

26-2.2404 Appellants—Grounds.

(a) Appellants. Only the following may appeal and only on the following grounds.

(b) Subdivisions. In the case of a subdivision:

(1) The subdivider, from any decision concerning the tentative map, or the kinds, nature, and extent of improvements required for the subdivision; and

(2) Any interested person adversely affected by a decision concerning a tentative map, or the kinds, nature and extent of improvements required for the subdivision, or the matters set forth in Government Code Sections 66473.5, 66474, 66474.1, and 66474.6.

(c) Other Matters. On other matters: any person (including an applicant) may appeal if:

(1) ~~His~~The person's property rights or the value of ~~his~~the person's property is adversely affected and the decision does not comply with the general plan; or

(2) Required standards, identified by appellant, are not satisfied by the evidence presented at the hearing for rezoning, conditional use, variance, plan, or special permit; or

(3) Specified findings of the planning division appealed from are not supported by the evidence before it; or

(4) Specified limitations or conditions imposed on granting a conditional use, variance, plan, or special permit are unreasonable; or

(5) Specified limitations or conditions recommended but not imposed should reasonably be imposed in granting a conditional use, variance, plan, or special permit.

(d) County Agency. A department or agency of the county may appeal if it has administrative responsibility in a matter which is adversely affected by the granting of a conditional use, variance, plan, or special permit or by a planning agency subdivison decision. In such a case no appeal fee shall be required but the department or agency shall be charged with the cost of required notice.

(Ords. 83-63,77-33 § 15,75-19: prior code § 2205.10: Ord. 917).

26-2.2406 Appeal—Notice.

An appellant may appeal a decision of a division of the planning agency, to the appellant division indicated, by filing a written notice of appeal, specifying the grounds for appeal, with the planning department within the calendar time herein allowed upon payment of the fees prescribed by Article 26-2.28:

Division Decision Appealed	Time Calendar Days	Division Appealed to
Planning commission or board of appeals	10	Board of supervisors
Zoning administrator	10	Board of appeals

(Ords. 82-24,77-33 § 15 (part), 74-2 § 2,1975: prior code § 2205.20: Ord. 917).

26-2.2408 Appeal—Reconsideration.

A motion for reconsideration may be filed in writing by an appellant within the time allowed to appeal alleging pertinent factual or legal matters which were not brought to the attention of the division rendering the decision. Such motion shall be decided by the division at its next meeting on the basis of the information presented in writing. If the motion is denied, the time to appeal shall be extended only the number of days required to hear and decide the motion. If the motion is granted, persons recording their appearance at the initial hearing shall be given mailed notice of the time of the new hearing.

(Ords. 77-33 § 15 (part), 1975: prior code § 2205.40: Ord. 917).

26-2.2410 Appeal—Decision.

A decision of any division of the planning agency shall be final upon the expiration of the time herein allowed for appeal; except that, if an appellant has perfected on appeal, that portion of the decision appealed from is suspended pending final disposition.

(Ord. 77-33 § 15 (part), 1975: prior code § 2205.50: Ord. 917).

26-2.2412 Appeal—Tentative maps.

The appropriate appellate division as indicated in Section 26-2.2406 shall set the tentative map (but not including parcel maps and tentative maps therefor) for hearing. Such hearing shall be held and the appellate division shall render its decision on the appeal as provided in Chapter 3 (Gov. C. §§ 66451 ff.) of the Subdivision Map Act. The decision shall comply with the provisions in the Subdivision Map Act and in particular Government Code Sections 66473, 66473.5 and 66474, and shall include any findings required by said Act. The abovementioned time limits shall not apply where they have been waived by appellant or the tentative map under consideration is being considered in conjunction with or is conditioned upon the obtaining of a necessary zoning variance, rezoning or the approval of a final development plan.

(Ord. 77-33 § 15).

Article 26-2.26. Conditional Zoning

26-2.2602 Conditional zoning—Authority.

On the planning commission's recommendation, the board of supervisors may impose conditions on the zoning reclassification of property.

(Ord. 71-18 § 1 (part), 1971: prior code § 2204.72(a)).

26-2.2604 Conditional zoning—Conditions.

These conditions shall be those only which the board determines, after considering the commission's recommendations, to be necessary to avoid circumstances inimical to the public health, safety or general welfare, or to fulfill public needs reasonably expected to result from the allowable uses and/or development; and the conditions shall be reasonably so designed, and reasonably related to the necessities of each case considering all the relevant facts.

Further, these conditions shall relate to special problems of the property if rezoned, such as water supply, sewers, utilities, drainage, grading or topography, access, pedestrian or vehicular traffic, or proposed physical developments affecting nearby properties.

(Ord. 71-18 § 1 (part), 1971: prior code § 2204.72(b)).

26-2.2606 Conditional zoning—Operativeness.

The ordinance reclassifying the property shall not be operative until the conditions have been satisfied, or assurance provided by way of contract (with adequate surety), as found and declared by board resolution.

(Ord. 71-18 § 1 (part), 1971: prior code § 2204.72(c)).

Article 26-2.28. Fees

26-2.2802 Fees required.

Each person who applies for, requests, receives, or appeals a land use permit or other entitlement or service furnished by the community development department shall at the time of such application, request, receipt, or appeal pay the applicable fee or fees established by the board of supervisors.

(Ords. 86-95 § 3,74-2 § 3).

26-2.2804 Environmental impact reports.

(a) Environmental impact reports prepared by county staff shall be charged at cost against money deposited in advance by the applicant. Environmental impact reports prepared by consultants engaged by the county will be charged against money deposited in advance by the applicant and shall include an additional nonrefundable twenty-five percent of the consultant's fee for community development department costs in support thereof. If the cost exceeds the applicant's deposit, the applicant shall pay the excess costs to the county upon initial hearing on the proposed action. If the cost is less than the deposit, any excess shall be refunded to the applicant.

(b) The director of community development may waive part or all of the fee for a planned unit district final development plan EIR if the director ~~he~~ finds, in accordance with the state CEQA guidelines, that the preliminary development plan EIR is appropriate for final development plan consideration.

(Ords. 86-95 § 4,74-2 § 3).

26-2.2806 Late filing.

Whenever the director of community development determines that a person has begun an illegal land use without first applying for and obtaining all required permits or entitlements, the person ~~he~~ shall apply as soon as practicable and pay a fee of one and one-half times the normal fee, ~~but he~~ and the person remains subject to other penalties and enforcement procedures.

(Ord. 86-95 § 5).

26-2.2808 Refunds.

If an application, filing, or appeal is withdrawn before any required notice is given but after processing work has begun, the director of community development shall authorize a partial or complete refund of required fees which exceed the cost of the work performed. Once any required notice is given, no refund may be granted.

(Ords. 86-95 § 6,74-2 § 3).

26-2.2810 Public service activities.

The director of community development may waive the fees required by this article for applications filed by community interest, nonprofit groups receiving substantial financial support from public entities for public service activities which are determined by the director to be for the welfare of the county because they relieve the county of directly performing them.

(Ord. 86-95 § 7).

26-2.2812 Bond processing fee.

Whenever an applicant elects to post a faithful performance bond in lieu of improvements required in conditions of approval, the applicant ~~he~~ shall pay an additional nonrefundable five percent of estimated improvement costs in cash, check or money order (but not less than one hundred dollars nor more than five hundred dollars) for administrative costs in connection with bond processing.

(Ord. 86-95 § 8).

26-2.2814 Building permit process fee.

The community development department shall charge for those services rendered prior to approval of land use entitlements and through occupancy, in order to ensure compliance with all the conditions of project approval. The fee will be ten dollars per permit or forty percent of the building permit fees, whichever is greater. The fee shall be collected by the building inspection department at the time of collection of other building permit fees.

(Ords. 89-61 §2, 87-18 §2, 86-95 §9).

Article 26-230. Judicial Review

26-2.3002 Limitation of actions.

Any court action or proceeding to attack, review, set aside, void or annul any decision of matters listed in this Chapter 26-2 or Title 8 otherwise subject to judicial review (other than those listed in Government Code §§ 65907 and 66499.37 and Public Resources Code § 21167) or any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall be commenced within ninety days after such decision. Thereafter all persons are barred from commencing any such action or proceeding and from asserting any defense of invalidity or unreasonableness of such decisions, proceedings, acts or determinations.

(Ord. 79-7 §1.)

Chapter 26-6 DELINQUENCY PREVENTION COMMISSION

26-6.002 Probation department assistance.

Pursuant to Section 535 of the Welfare and Institutions Code, the probation department under the probation officer is designated as the department to cooperate with and assist in coordinating on a county-wide basis the work of those community agencies engaged in activities designed to prevent juvenile and adult delinquency. (Ord. 1959: Ord. 1666: prior code § 2230).

26-6.004 Establishment—Maintenance—Powers and duties.

(a) Establishment: Pursuant to Welfare and Institutions Code Section 535.5, there is established the delinquency prevention commission of Contra Costa County, and the juvenile justice commission of this county is designated to serve in such capacity.

(b) Support and Maintenance: The delinquency prevention commission shall be supported and maintained by the county as though attached to the probation department, and its budget, revenue allowance and expenditures, shall be handled through the probation department and county administrator. Applications for outside funds, such as pursuant to Welfare and Institutions Code Section 1752.5, shall be in accordance with established board of supervisors' policies and procedures.

(c) Powers and Duties: The commission shall have the powers and duties provided by law, to coordinate on a county-wide basis the work of those governmental and nongovernmental organizations engaged in activities designed to prevent juvenile delinquency, with special emphasis on preventive measures and the need for family and community awareness and involvement in these matters.

(Ord. 1959: prior code § 2231).

26-6.006 Executive secretary and staff.

The probation officer shall be the executive secretary of the delinquency prevention commission, and the probation department shall provide necessary staff service to it. All other county departments and agencies may assist the delinquency prevention commission when such assistance is requested and the necessary staff or equipment can be made available. These services shall be without compensation.

(Ord. 1959: prior code § 2232).

Chapter 26-10 ASSESSMENT APPEALS BOARD

Article 26-10.2. General

26-10.202 Creation and authority.

Pursuant to Section 9.5 of Article 13 of the Constitution and Revenue and Taxation Code Sections 1620 ff., an assessment appeals board (tax appeals board) is created.

(Ord. 73-45 § 1 (part), 1973).

26-10.204 Membership—Qualifications—Term—Alternates.

(a) Membership: The assessment appeals board shall consist of five members appointed directly by the board of supervisors, acting only by three-member panels designated from time to time by the clerk of the assessment appeals board. Approval of each member shall be by majority vote of the board of supervisors.

(b) Qualifications and Terms: The members' qualifications and terms of office shall be as provided by Revenue and Taxation Code Section 1620 et seq. The members shall be assigned terms in such a manner that the terms of no more than two offices shall expire in any one year.

(c) Alternates: The board of supervisors may directly appoint up to five alternate members to the assessment appeals board. Approval of each alternate member shall be by majority vote of the board of supervisors. If any regular member of the assessment appeals board is temporarily unable to act as a member of the assessment appeals board, an alternate member may sit on the assessment appeals board and shall have the same authority to act as a regular member.

(Ord. No. 2019-03, § II, 2-26-19; Ords. 84-62 § 1, 73-45 § 1 (part): R. & T.C. § 1622.1).

26-10.207 Direct appointment.

After January 1, 1975, the board of supervisors shall appoint members to the assessment appeals board upon the expiration of any term of office or the occurrence of a vacancy.

(Ords. 84-62 § 3, 74-57 § 1: R. & T.C. § 1623.1).

26-10.208 Vacancies.

Anyone appointed to fill a vacancy on the assessment appeals board shall serve for the remainder of the unexpired term.

(Ords. 84-62 § 4, 80-20, 73-45: R & T.C. § 1623).

26-10.210 Pay and expenses.

(a) Each member of the assessment appeals board shall receive compensation for ~~his~~the member's services as set by board of supervisors' resolution from time to time.

(b) Each member of the assessment appeals board shall also be reimbursed for mileage and other expenses reasonably and necessarily incurred in the discharge of ~~his~~ the member's duties, as provided for regular county employees.

(Ords. 84-62 § 5, 74-57 § 2, 73-45).

Article 26-10.4. Powers and Procedures

26-10.402 Powers.

The assessment appeals board shall constitute a board of equalization, with power to:

(1) Equalize the valuation of the taxable property in the county for the purpose of taxation in the manner provided for in Section 9 of Article 13 of the State Constitution;

(2) Review, equalize and adjust penal and escaped assessments on the roll; and

(3) Exercise the powers specified in Revenue and Taxation Code Section 1611. All general laws pertaining to country boards of equalization shall be applicable to the assessment appeals board.

(Ord. 73-45 § 1 (part), 1973).

26-10.404 Hearing procedures.

(a) Article 1 of subchapter 3 of Chapter 1 of Title 18 of the California Administrative Code (including future amendments) and Revenue and Taxation Code Section 1620 ff. (including future amendments) are adopted as rules of procedure for hearings before the assessment appeals board.

(b) The assessment appeals board shall be subject to rules adopted by the board of supervisors in accordance with the provisions of Section 9.5 of Article 13 of the Constitution. These rules shall supplement the California Administrative Code, and in case of conflict, the latter shall govern.

(Ord. 73-45 § 1 (part), 1973).

26-10.406 Legal advice.

The county counsel shall give legal advice to the assessment appeals board.

(Ord. 73-45 § 1 (part), 1973).

26-10.408 Clerk.

The clerk of the board of supervisors shall be the clerk of the assessment appeals board. The clerk of the board ~~He~~ shall keep a record of its proceedings and shall perform the same duties in connection with its proceedings as the clerk~~he~~ is required by law to perform for the county board of equalization.

(Ord. 73-45 § 1 (part), 1973).

26-10.410 Fees.

(a) The fee for filing and processing an application for changed assessment shall be an amount established by the board of supervisors in the assessment appeals board's fee schedule.

(b) The fee for the preparation of written findings of fact shall be an amount established by the board of supervisors in the assessment appeals board's fee schedule.

(Ord. No. 2011-12, § II, 5-24-11)

(Ord. No. 2019-22, § II, 7-30-19)

Chapter 26-12 REDEVELOPMENT AGENCY

26-12.002 Creation of agency.

The board of supervisors has investigated and determined that there is an economic need in the community for a redevelopment agency and, therefore, declares that there is a need for a redevelopment agency to function within the unincorporated areas of the county of Contra Costa and such other areas as may be permitted by law.

(Ord. 83-67 § 1).

26-12.004 Board of supervisors as the agency.

The board of supervisors finds that providing for the board of supervisors to serve as the redevelopment agency will serve the public interest and promote the public safety and welfare in an effective manner and, therefore, declares the board of supervisors of the county of Contra Costa to be the redevelopment agency of the county of Contra Costa.

(Ord. 83-67 § 2).

Chapter 26-14 CHILDREN AND FAMILIES FIRST COMMISSION

26-14.001 Name.

In this Chapter 26-14 wherever reference is made to the county or local children and families first commission or trust fund, they shall hereafter be called the county or local children and families commission or trust fund.

(Ord. 99-43 § 1).

26-14.002 Purpose, intent and authority.

(a) This chapter provides for the establishment of Contra Costa County's Children and Families First Commission to implement the provisions of Proposition 10 adopted on November 3, 1998 and its Division 108 (commencing with Section 130100) added to the Health and Safety Code.

(b) It is intended that appointments to the commission and any advisory committees established by it should, as deemed appropriate and within the discretion of the appointing body, be diverse and balanced according to race, geography, gender and ethnicity.

(c) In developing, amending or otherwise revising the strategic plan, the commission should endeavor to ensure that the plan addresses children's needs in all the areas of the county, with special emphasis on areas where service gaps and needs are the greatest.

(Ord. 99-15 § 1, 98-46 § 1).

26-14.004 Establishment and appointment.

The children and families first commission is established and shall have nine members appointed by order of the board of supervisors. The term "board" as used in this chapter means the board of supervisors.

(Ords. 99-15 § 1, 98-46 § 1: H&SC § 130140(a)(1)(A)).

26-14.006 Composition.

County commission members are or shall be appointed as follows:

(a) One member of the county commission shall be the chair of the board of supervisors or another board member designated by the chair.

(b) Three members of the county commission shall be appointed by board order from among the county health officer and persons responsible for management of the following county functions; children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services. The three initial appointments are the county health officer, the social services director, and the community services director.

(c) The remaining five members of the county commission shall be persons from the following categories:

(1) Recipients of project services included in the county strategic plan;

(2) Educators specializing in early childhood development;

(3) Representatives of a local child care resource or referral agency, or a local child care coordinating group;

(4) Representatives of a local organization for prevention or early intervention for families at risk;

(5) Representatives of community-based organizations that have the goal of promoting nurturing and early childhood development;

(6) Representatives of local school districts:

(7) Representatives of local medical, pediatric, or obstetric associations or societies;

(8) Representatives of local mental health and/or substance abuse organizations; and

(9) Representatives of parent advocacy groups.

(d) Commission appointments pursuant to subsection (c) of this section may be made by the board in accordance with a procedure specified by board order or resolution.

(Ords. 99-15 § 1, 9846 § 1).

26-14.008 Alternate commissioners.

(a) The board shall appoint one alternate commission member for each of the following membership categories as below provided:

(1) For each member appointed pursuant to subsection (b) of Section 26-14.006, the deputy nominee proposed by each involved member.

(2) For each member appointed pursuant to subsection (c) of Section 26-14.006, an alternate selected in the same manner as provided for direct commission appointment by board order or resolution pursuant to subsection (d) of Section 26-14.006.

(b) In accordance with Section 26-14.016, an alternate may attend commission meetings, and may receive expense reimbursement and any allowed per diem but may not participate in commission decisions or votes unless substituting for its absent regular commission member.

(Ord. 99-15 § 1).

26-14.010 Terms of service.

(a) Commission members shall serve at the pleasure of the board and are subject to removal during their terms or other tenure of commission office by the board at its pleasure. If a member's term has expired, the member shall continue to serve until appointment of a successor.

(b) Any board member designated by the chair for service on the commission shall serve at the discretion of the chair for a period not to exceed one year.

(c) The three commission members appointed pursuant to subsection (b) of Section 26-14.006 shall serve without term limit but only as long as they hold their specified county offices.

(d) The initial appointments of the five commissioners specified in subsection (c) of Section 26-14.006 shall be of two for four year terms and three for three year terms. Thereafter, all subsequent appointments shall be for three year terms except to fill term vacancies.

(Ords. 99-15 § 1, 98-46 § 1).

26-14.012 Vacancies.

(a) A vacancy on the commission shall occur automatically if any of the following events occur before the expiration of a member's term or other tenure of commission office:

1. Removal of the incumbent by the board of supervisors for any reason;
2. Death or resignation of the incumbent;
3. Ceasing to be a representative from the various categories specified in Section 26-14.006.

(b) The executive director of the commission shall certify the occurrence of any event creating a vacancy on the commission and shall notify the board.

(c) Any vacancies shall be filled by the board for the unexpired term or other tenure of commission pursuant to Section 26-14.006 and this chapter.

(Ord. 99-15 § 1).

26-14.014 Organization and meetings.

(a) The commission shall meet at least every quarter and more often as necessary to perform and complete its duties as required by this chapter and law. The commission shall select its chair and vice-chair.

(b) A majority of the members of the commission shall constitute a quorum. All actions and decisions of the commission shall be by a majority of five votes.

(c) Procedures for the conduct of business by the commission not specified in this chapter may be contained in bylaws adopted by the commission.

(d) The commission may establish standing or ad hoc committees of its members.

(e) The commission shall establish one or more advisory committees to provide technical and professional expertise and support for any purposes that will be beneficial in accomplishing the purposes of this chapter. As deemed necessary or appropriate by the commission, each advisory committee shall meet and shall make recommendations and reports to the commission.

(Ords. 99-15 § 1, 98-46 § 1).

26-14.016 Per diem and expense reimbursement.

Members of the commission shall not be compensated for their services, except they shall be paid reasonable per diem as fixed by board order and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities as authorized by the commission.

(Ord. 99-15 § 1).

26-14.018 Public noticed meetings.

All meetings of the commission, commission subcommittees and advisory committees shall be public (except as provided by law), noticed and conducted in compliance with the requirements of the Ralph M. Brown Act and the county's Better Government Ordinance.

(Ord. 99-15 § 1).

26-14.020 Financial interest reporting.

Members of the commission and its executive director shall be subject to the financial reporting requirements of the Political Reform Act and shall make the same level of reporting as required of members of the board. In a timely manner, the commission shall prepare a conflict of interest code for approval by the board as specified by state law.

(Ord. 99-15 § 1).

26-14.022 Staffing.

(a) Executive Director and Staff. Commission staff shall consist of an executive director employed by the commission, to serve at its pleasure, and such other staff or consultants as deemed necessary or appropriate by the commission. All employed staff of the commission shall be exempt and excluded from the county's merit system and shall not be county employees for any purpose except county employees may be utilized as hereinafter provided. Subject to the provisions of subsection (a) of Section 26-14.026, commission staff may be employed as commission employees or contract consultants. The executive director may utilize county employees as permitted by their appointing authorities to assist in carrying out the purposes of this chapter.

(b) County Support Services. Support services usually provided to county departments will be available as necessary to the commission including financial services by the auditor-controller and the treasurer and any legal services required shall be available from the county counsel's office.

(c) All county costs to provide the staff services authorized by subsections (a) and (b) to implement this chapter shall be reimbursed and paid by the auditor-controller from funds in the local Children and Families Trust Fund. The executive director shall, at least monthly, direct the auditor-controller to reimburse the county for any and all staffing costs. Such reimbursement shall be accomplished by direct transfers from the trust fund.

(Ord. 99-43 § 2, 99-15 § 1).

26-14.024 Budget.

The commission's proposed annual budget for the monies in the trust fund shall be prepared in the same manner and be subject generally to the same limitations as similar budgets for the county and its departments. Prior to its final adoption, each proposed annual budget shall be submitted to the auditor-controller, county administrator, and board for their review, consideration and comment. Hearings on the commission's budget may be conducted concurrently with hearings conducted in connection with the county budget but the commission' s final annual budget shall be adopted by the commission.

(Ord. 99-15 § 1).

26-14.026 Contracts, grants and administrative systems.

Except as otherwise provided in this chapter:

(a) Contracts. The commission may enter into such contracts as are necessary or appropriate to carry out the provisions and purposes of this chapter and the California Children and Families First Act of 1998 (the "Act"). All such contracts shall specify and be contingent upon the continued future funding of the commission pursuant to the Act, the commission's annual exercise of its discretion to fund or participate with any contract's program for another year and the county's continued participation in the Act's program.

(b) Grants and Gifts. The commission may accept grants, gifts and bequests of money made to or for the benefit of it from public or private sources to be used for early childhood development programs, which shall be deposited in the trust fund and expended for the specific purpose for which the grant, gift, or bequest was made.

(c) For contracts, grants, local trust fund expenditures and other activities, the commission shall use established county procedures and may use county administrative systems to carry out the purposes of this chapter.

(Ord. 99-15 § 1).

26-14.028 Plan adoption and state guidelines.

The commission shall adopt an adequate and complete county strategic plan for the support and improvement of early childhood development within the county. The county strategic plan shall be consistent with, and in furtherance of the purposes of, the California Children and Families First Act of 1998 and any guidelines adopted by the state commission pursuant to subdivision (b) of the Health and Safety Code Section 130125 that are in effect at the time the county plan is adopted.

(Ords. 99-15 § 1, 98-46).

26-14.030 Plan content and adoption hearing.

(a) The county strategic plan shall, at a minimum, include descriptions of the following:

(1) The goals and objectives proposed to be attained;

(2) The programs, services, and projects proposed to be provided, sponsored, or facilitated; and

(3) How measurable outcomes of such programs, services, and projects will be determined by the county commission using appropriate reliable indicators.

(b) The county strategic plan shall not be deemed adequate or complete until and unless the plan describes how programs, services, and projects relating to early childhood development within the county will be integrated into a consumer-oriented and easily accessible system.

(c) The county commission shall conduct at least one public hearing on its proposed county strategic plan before the plan is adopted.

(Ords. 99-15 § 1, 98-46).

26-14.032 Annual plan review and revisions.

The commission shall, on at least an annual basis, periodically review its adopted county strategic plan and revise the plan as may be necessary or appropriate. The commission shall conduct at least one public hearing on its periodic review of the county strategic plan before any revisions to the plan are adopted.

(Ords. 99-15 § 1, 98-46).

26-14.034 State commission submittals.

The commission in a timely manner shall submit its adopted county strategic plan, and any subsequent revisions thereto, to the state commission.

(Ords. 99-15 § 1, 98-46).

26-14.036 Annual audit reports and hearings.

(a) County Annual Audit Report. The commission in a timely manner shall prepare and adopt an annual audit and report pursuant to Health and Safety Code Section 130150. The commission shall conduct at least one public hearing prior to adopting any annual audit and report.

(b) State Annual Audit Report. The county commission in a timely manner shall conduct at least one public hearing on each annual report by the state commission prepared pursuant to subdivision (b) of Section 130150 of the Health and Safety Code.

(Ords. 99-15 § 1, 98-46).

26-14.038 Financial and management audits.

(a) The auditor-controller shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of the commission. The minimum requirements of the audit shall be those prescribed by the state controller for special districts and shall conform to generally accepted auditing standards.

(b) The board, at its discretion, may order and provide for a management audit of the commission and its staff.

(c) The costs of any audits performed pursuant to subsection (a) and (b) of this section shall be proper charges to be paid from the trust fund.

(Ord. 99-15 § 1).

26-14.040 Local trust fund.

The local Children and Families First Trust Fund is created and established in the Contra Costa County Treasury. Moneys deposited in this trust fund shall be expended only for the purposes authorized by the California Children and Families First Act of 1998 (H&SC §§ 130100 ff) and in accordance with the commission approved county strategic plan.

(Ord. 99-15 § 1, 9846 § 1; H&SC § 130105(d)(2)(A)).

26-14.042 Separate entity.

The Contra Costa County children and families commission shall be a public entity separate from the county of Contra Costa and shall file the statements required by Government Code Section 53051.

(Ord. 99-44 § 1).

26-14.044 Commission liability.

(a) Any obligation of the county commission, whether statutory, contractual, or otherwise, shall be the obligation solely of the commission and shall not be the obligation of the county of Contra Costa.

(b) Any and all contracts, leases or other agreements of any nature between the commission and third parties other than the county shall contain an express provision advising the third party that the commission is a separate public entity and that such agreement does not bind Contra Costa County.

(c) The commission shall require any and all third parties contracting with the commission to indemnify and hold harmless the commission, to provide the commission with written acknowledgment of such indemnification, and to maintain adequate levels of insurance, as determined by the county's risk manager, naming the commission as an additional insured. For any particular contract, the commission may approve a variance to and from some or all of the requirements of this subsection but only where the variance and reason for its granting by the commission are set forth in the commission's official meeting records and minutes.

(Ord. 99-44 § 2).

26-14.046 Liability insurance.

Without limiting its indemnification of the county as set forth below, the commission:

(a) Shall be covered by the county's self-insurance program subject to whatever terms, conditions and charges are recommended by the risk manager and required by the board of supervisors;

(b) May, in lieu of the county's self-insurance program, acquire and maintain appropriate private insurance in amounts and coverage types to be determined by the county's risk manager to be adequate, and shall name the county and the members of the board of supervisors as additional insureds on any policies of private insurance maintained by the commission. Evidence of such insurance coverage shall be provided to the county's risk manager within thirty days of procurement.

(Ord. 99-44 § 3).

26-14.048 Indemnification.

The commission shall indemnify, defend and hold harmless the county and its authorities, elected and appointed officers, employees and agents from and against any and all liability, including defense costs and legal fees, and claims for damages of any nature whatsoever, including but not limited to personal injury or property damages, arising from or connected with any act or omission of the commission and any officer or employee of the commission.

(Ord. 99-44 § 5).

Division 28 COURTS, JURORS, LAW LIBRARY

Chapter 28-2 JUDICIAL DISTRICTS

28-2.002 Nomenclature.

This county is divided into the following named judicial districts, each comprising all the territory within the listed election precincts; and the courts thereof are named "The Municipal Court of the_____Judicial District of Contra Costa County," respectively.

(Ords. 76-39 § 1, 73-9 § 1, 72-22 § 1, 69-17; formerly code § 25-2.002; prior code § 2300: Ords. 68-65, 68-55, 6843, 68-8, 67-17, 1968, 1890, 1785, 1731, 1648, 1594, 1564, 1398).

28-2.004 Walnut Creek-Danville judicial district.

The Walnut Creek-Danville judicial district comprises the Alamo, Canyon, Danville, Lafayette, Moraga, Orinda, San Ramon, Saranap, St. Mary's, Tassajara and Walnut Creek precincts.

(Ords. 76-39 § 1, 69-17: formerly code § 25-2.004: prior code §§ 2300, 2303: Ords. 1968, 1890, 1785, 1731, 1648, 1594, 1398).

28-2.006 Mt. Diablo judicial district.

The Mt. Diablo judicial district comprises the Alhambra, Clayton, Clyde, Concord, lots three and six of subdivision 4444, Martinez, Mountain View, Nichols 502, 504, and 506, Oleum 504, Pacheco, Pleasant Hill, Port Chicago and Vine Hill precincts.

(Ords. 94-78, 76-39 § 1, 72-22 § 2, 69-32, 69-17: formerly code § 25-2.006; prior code §§ 2300, 2301, 2304: Ords. 68-65 § 2, 68-8 § 1, 67-17, 1968, 1890, 1785, 1731, 1648, 1594, 1564, 1398).

28-2.008 Delta judicial district.

The Delta judicial district comprises the Antioch, Bethel Island, Brentwood, Byron, Knightsen, Lone Tree, Nichols except 502, 504 and 506, Oakley, and Pittsburg precincts.

(Ord. 76-39 § 1, 73-9 § 2, 70-73 § 2, 69-17: formerly code §§ 25-2.008, 25-2.012: prior code §§ 2300, 2305, 2307, 2308, 2314: Ords. 68-65 § 3, 68-55, 68-8, 1968, 1890, 1785, 1731, 1648, 1594, 1564, 1398).

28-2.022 Bay judicial district.

The Bay judicial district comprises all the Bay View, Berkeley Park, Crockett, East Richmond, El Cerrito, El Sobrante, Giant, Hercules, Kensington, North Richmond, Oleum except Oleum 504, Pinole, Port Costa, Richmond, Rodeo, Rollingwood, San Pablo and Selby precincts.

(Ords. 78-36 § 3, 76-40 § 3; formerly code § 28-2.010, 28-2.020).

Chapter 28-4 GRAND JURY

28-4.002 Grand jurors' compensation.

(a) Per Diems. Each grand juror shall be paid fifteen dollars for attending each meeting of the jury and fifteen dollars for attending each meeting of its committees, but not more than one of each fifteen dollar per diems in any one twenty-four-hour period from six a.m. to six a.m. the following day.

(b) Expenses. Each grand juror shall be reimbursed for actual, necessary, and reasonable expenses (including mileage), at the same rates as for county commissions.

(Ords. 2001-25 § 2, 84-63 § 1, 81-73 § 1, 81-62 § 1: Government Code § 68091; see also Penal C. § 890 and former Govt. C. § 76009).

Chapter 28-6 LAW LIBRARY[14]*

28-6.002 Establishment.

Pursuant to Business and Professions Code Section 6364, the provisions of Chapter 5 of Division 3 (Sections 6300 if.) of that code on county law libraries are applicable to this county.

(Ord. 76-39 § 2: prior code § 2650: Ords. 1457, 62).

Division 29 SHERIFF'S OFFICE

Chapter 29-2 MILITARY EQUIPMENT USE POLICY

29-2.002 Purpose and recitals.

(a) On September 30, 2021, Governor Gavin Newson signed into law Assembly Bill 481, effective January 1, 2022, relating to the use of qualifying military equipment, as defined, by law enforcement agencies;

(b) Assembly Bill 481, codified at California Government Code sections 7070 through 7075, requires law enforcement agencies to obtain approval of the governing body, by an ordinance adopting a military equipment use policy, at a regular public meeting, before taking certain actions relating to the funding, acquisition, or use of military equipment. The term "military equipment" is defined in Government Code section 7070;

(c) Assembly Bill 481 allows the governing body of a county to approve the funding, acquisition, or use of military equipment within its jurisdiction if it makes certain determinations; and

(d) The proposed military equipment use policy, titled "Government Code § 7070 Defined Equipment," is located in the Contra Costa County Office of the Sheriff Policy and Procedures Manual as Policy No. 1.07.30 ("policy").

[14]* For the statutory provisions regarding county law libraries, see Bus. & P.C. § 6300 ff; for the provision regarding the board of supervisors discretion as to the applicability of these sections to the county, see Bus. & P.C. § 6364.

(Ord. No. 2022-29, § 1, 7-26-22)

29-2.004 Findings and adoption of policy.

(a) The Contra Costa Office of the Sheriff published the policy on its website for at least thirty days prior to the public meeting concerning the military equipment at issue.

(b) The military equipment inventoried and presented to the board of supervisors is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(c) The policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(d) Purchased equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(e) Prior military equipment use complied with the applicable equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(f) The policy was considered by the board of supervisors as an agenda item in an open session of a regular meeting, noticed in accordance with the Ralph M. Brown Act.

(g) Pursuant to Assembly Bill 481 and Government Code sections 7070—7075, the board of supervisors approves the use of and hereby adopts the policy, and finds that it satisfies the requirements of Government Code section 7070(d).

(h) The policy shall be publicly available on the sheriff's office website for as long as the military equipment is available for use.

(Ord. No. 2022-29, § 2, 7-26-22)

29-2.006 Reports.

Within one year of approval of the policy, and annually thereafter as long as the military equipment is available for use, the sheriff's office shall submit a military equipment report to the board of supervisors, containing the information required in Government Code section 7072.

(Ord. No. 2022-29, § 3, 7-26-22)

29-2.008 Annual review and meeting.

The board of supervisors shall review this ordinance, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code section 7071(e)(1)-(2).

(Ord. No. 2022-29, § 4, 7-26-22)

Title 3
PERSONNEL[1]

Division 30 MISCELLANEOUS AUTHORITIES

Chapter 30-2 INDUSTRIAL DEVELOPMENT AUTHORITY

30-2.002 Purpose.

There exists within the county economically distressed areas which may be benefited by efforts to prevent the loss of existing jobs and to create new jobs. In the interest of the health, welfare and safety of the people of this county and of the state, it is necessary to provide an alternative method of financing certain facilities in order to prevent the loss of existing jobs in such county and to increase employment opportunities and otherwise contribute to the economic development of this county.

(Ord. 81-78 § 1)

30-2.004 California Industrial Development Financing Act.

The California Industrial Development Financing Act, California Government Code Sections 91500, et seq. (the "Act"), has created in the county a public, corporate instrumentality of the state of California known as the industrial development authority of the county of Contra Costa, for the purpose of exercising powers granted by the Act. Section 91520 provides that said authority shall not transact any business or exercise any powers under the Act unless, by ordinance, this board of supervisors declares that there is a need for such authority and that the authority shall function.

(Ord. 81-78 § 1)

30-2.006 Declaration.

It is hereby found and declared that there is a need for the industrial development authority of the county of Contra Costa created by Government Code Section 91520 and that this authority shall function in the county, and this authority is hereby authorized to transact business and to exercise all powers permitted by law.

(Ord. 81-78 § 1)

[1]For the statutory authority of the board of supervisors to employ such persons as it deems necessary and to adopt an ordinance defining the qualifications, duties and responsibilities of such persons, see Gov. C. § 25208; for the provisions regarding county employees generally, see Gov. C. § 31000 ff.

30-2.008 Referendum.

Pursuant to Government Code Section 91520 (b)" the ordinance codified in this chapter is subject to the referendum provisions of Elections Code Sections 4051 through 4058.

(Ord. 81-78 § 1)

Division 33 MERIT SYSTEM

Chapter 33-3 MERIT SYSTEM ORDINANCE CODIFIED

Article 33-3.3. Introduction

33-3.303 Background.

(a) Resolution 80/290. On March 18,1980, this board adopted Resolution 80/290, which expressed the "basic objectives" and "merit principles" to guide the proposed merit system, and which embodied a draft County Merit System Ordinance to be proposed to the electorate as County Proposition "A" on the June 3, 1980, primary election ballot, pursuant to Government Code Section 31105.

(b) Ordinance 80-47. A majority of the voters on June 3, 1980, passed Proposition "A" adopting County Ordinance 8047, which by its terms (SEC. IV) became effective on July 1,1980, and operative on July 1,1981.

(c) Repeal of Ordinance 325 and Ordinance Code Division 32. Ordinance 80-47 repealed Ordinance 325 (the original civil service Ordinance) and Division 32 of this Ordinance Code (into which most of Ordinance 325 had been codified)

(Ord. 81-70 § 1)

33-3.305 Codification needed.

For convenience of reference, of nonsubstantive amendment, and of correlation with effectuating ordinances, resolutions, and regulations, the provisions of Ordinance 80-47 are incorporated into this Ordinance Code in the Code's format, as Articles 33-3.5 through 33-3.15.

(Ord. 81-70 §1)

Article 33-3.5. Merit System Established

33-3.503 Adoption.

Under the authority granted in the County Civil Service Enabling Law, the merit system set forth in this division is adopted in order to place county employment on a merit basis for the purpose of obtaining the highest efficiency and assuring that the best qualified persons available shall be brought into and retained and promoted in the service of the county.

(Ords. 81-70 § 1, 80-47 § I[1]; see Govt. Code §§ 31100 ff)

33-3.505 Amendment and repeal.

Amendments that are not substantial may be made by a four-fifths' vote of the board of supervisors without submission to a vote of the people; but no amendment repealing this division shall be effective unless the proposition of its repeal first has been submitted to a vote of the qualified electors of the county at a general or special election and has received the affirmative vote of a majority of the electors voting on the proposition.

(Ords. 81-70 § 1, 80-47 § I[2])

33-3.507 Coverage.

All regular county officers and employees shall be included in the merit system except as exempted by ordinance adopted by the board of supervisors.

(Ord. 81-70 § 1, 80-47 § I[3])

33-3.509 Districts.

The board of supervisors may apply this merit system to the personnel of any district, entity or agency of which it is the governing body, with such changes as are desirable or necessary.

(Ords. 81-70 § 1, 80-47 § I[4])

Article 33-3.7. Nondiscrimination

33-3.703 No discrimination.

No person in the merit system or seeking admission thereto shall be appointed, promoted, disciplined, reduced, removed or in any way favored, disfavored, or discriminated against because of the person's ~~his~~ political or religious or labor organization opinions or affiliations, or the person's ~~his~~ race, color, national origin, sex, age, or handicap.

(Ords. 81-70 § 1, 80-47 § I[5])

Article 33-3.9. Merit Board

33-3.903 Merit board created.

By resolution the board of supervisors shall create a merit board in accordance with Government Code Sections 31110, 31111 and 31112.

(Ords. 81-70 § 1, 80-47 § I[6], Res. 81/587)

33-3.905 Removal.

The board of supervisors, by four affirmative votes, may remove a merit board member during the term of office, but must state in writing the reasons for removal and allow the member an opportunity for a public hearing.

(Ords. 81-70 § 1, 80-47 § I[7])

33-3.907 Staff.

The merit board shall employ an executive secretary and may employ other staff subject to position and budget approval by the board of supervisors.

(Ords. 81-70 § 1, 80-47 § I[8]: see § 33-5.319)

33-3.909 Powers and duties.

(a) General. The merit board shall hear and make final determinations on: appeals from orders and actions of dismissal, suspension, or reduction in rank or compensation unless alternative jurisdiction is conferred by the board of supervisors. When it is given such jurisdiction by the board of supervisors, it may decide discrimination complaints and other matters.

(b) Others. It shall hear and make recommended determinations on other matters, when it is given jurisdiction of such matters by the board of supervisors.

(c) Oversee Merit System. The merit board as a whole shall monitor the operation of the county personnel management system including the merit system and report its recommendations from time to time to the board of supervisors.

(Ords. 81-70 § 1, 80-47 § I[9])

33-3.911 Subpoenas.

The merit board is granted power to issue subpoenas as provided in Government Code Section 31110.2.

(Ords. 81-70 § 1, 80-47 § I[10])

Article 33-3.11. Dismissal, Suspension, Demotion

33-3.1103 Discipline procedure.

Any officer or employee in the merit system may be dismissed, suspended, or reduced in rank or compensation only as provided in Government Code Section 31108.

(Ords. 81-70 § 1, 80-47 § I[11])

Article 33-3.13. Merit System Regulations

33-3.1303 General.

The board of supervisors on recommendation of the county administrator shall by resolution establish regulations for the merit system to carry this division into effect. These regulations shall have the force of law and shall be administered and enforced by the county administrator or ~~his~~ designee.

(Ords. 81-70 § 1, 80-47 § I[12])

33-3.1305 Subjects.

The regulations shall include provision for the following subjects: classifications; appointments; examinations; citizenship; veterans; eligible lists; temporary appointments; special appointments; probation

periods; reinstatement; transfers and reemployment; promotions; separations; demotions; layoffs; leaves; transfers to county service.

(Ords. 81-70 § 1, 80-47 § I[13])

Article 33-3.15. Interim Provisions

33-3.1503 Present provisions effective in interim.

If passed by a majority of the voters voting thereon on June 3, 1980, this division shall not displace or affect any existing provisions of any ordinance, regulation, or other administrative order or bulletin on the subjects covered herein until its operative date as set forth in Section 33-3.1507 and until then such provisions shall remain in effect unless amended or repealed in the meantime.

(Ords. 81-70 § 1, 80-41 § II)

33-3.1505 Rights preserved.

This division shall not operate to deprive any employee of any right which has accrued prior to its operative date (July 1, 1981)

(Ords. 81-70 § 1, 80-47 § III)

33-3.1507 Effective and operative dates.

If passed by a majority of the voters voting thereon on June 3, 1980, this division shall take effect on July 1, 1980, but shall become operative on July 1, 1981. It shall be assigned an appropriate number by the clerk of the board of supervisors.

(Ords. 81-70 § 1, 80-47 § IV)

33-3.1509 Memorandum of understanding.

If this division is passed by a majority of the voters voting thereon on June 3, 1980, all existing memoranda of understanding are amended to incorporate all existing civil service and personnel rules, regulations and administrative bulletins related to personnel matters in existence on March 18, 1980, with the exception of those rules, regulations, and bulletins relating to initial appointment.

(Ords. 81-70 § 1, 80-47 § V)

33-3.1511 Clerk's certification.

I hereby certify this ordinance was passed on June 3, 1980, by a majority of the electorate voting thereon.

J.R. OLSSON, County Clerk

By: Jeanne O. Maglio, Deputy

Date: June 4, 1980

(Ords. 81-70 § 1, 80-47)

Chapter 33-5 EXCLUSIONS AND OTHER COVERAGE

Article 33-5.3. Exclusions

33-5.303 General.

The classes and positions listed in this article are generally excluded from the county's merit system.

(Ords. 81-70 § 2, 81-32, 73-9 § 3; cp. former Art. 32-2.6: prior code 2413: Ord. 325 § 4: see 22-2.507, 509)

33-5.305 Electives, commissioners, etc.

(a) Electives, Commissioners, etc. Officers elected by the people, and members of the merit board and of other boards and commissions, are excluded.

(b) Vice-electives and Pay. Persons temporarily discharging the duties of vacant elective offices, pursuant to designation by the board, are excluded, and shall be paid a monthly salary equivalent to one-twelfth the salary of the vacant office.

(Ords. 81-70 § 2, 81-32 § I[1]: former §§ 32-2.604, .602(1, 3, 8): Ord. 73-9 § 3, prior code § 2413[a, c]: Ords. 1954, 325 § 4[a, c])

33-5.307 County administrator.

(a) The county administrator is excluded and is appointed by the board of supervisors.

(b) The following positions in the county administrator's office are excluded and are appointed by the county administrator: chief assistant county administrator; assistant county administrator; manager capital facilities and debt management- exempt; executive assistant I to the county administrator-exempt; executive assistant II to the county administrator-exempt; chief public communications officer-exempt, director of the office of children services-exempt, county finance director-exempt, chief of labor relations-exempt; management analyst-exempt; senior management analyst-exempt; deputy county administrator-exempt; and senior deputy county administrator-exempt.

(Ord. No. 2023-12, § I, 6-13-23; Ord. No. 2021-26, § III, 9-14-21; Ord. No. 2014-05, § IV, 4-1-14; Ord. No. 2012-07, § I, 7-31-12; Ords. 2007-40 § 1, 2007-20 § 1, 2007-02 § 1, 2006-54 § 1, 2005-36 § 1, 2004-03 § 1, 2002-26 § 1, 97-47 § 1, 95-41 § 1, 85-7 § 2, 81-70 § 2, 81-32 § 1[2], 80-56 § 1, 79-43 § 2, 76-21, 73-9 § 3: former § 32-2.602(8): prior code § 2413(h): Ords. 1449, 1444, 1289, 1209, 703 § 2, 627 § 2 (8-31-51): §§ 24-4.002, .004, .012, .013)

33-5.309 Miscellaneous.

Casual patient and inmate employees at county institutions, and officers and others serving the county without pay, are excluded.

(Ords. 81-70 § 2, 81-32 § 1[3], 73-9 § 3: former §§ 32.2.608, .602 (2, 4): prior code § 2413 (b, d): Ord. 325 § 4)

33-5.311 District attorney and sheriff.

(a) Investigators, detectives, and others, paid from the special funds furnished to the district attorney and sheriff under Government Code Sections 29400 ff. and 29430 ff., are excluded.

(b) In the district attorney's office, the district attorney program assistant-exempt class, senior deputy district attorneys-exempt, district attorney chief of inspectors-exempt, special counsel, special detectives, chief assistant district attorney-exempt, assistant district attorney-exempt, and district attorney adjutant of senior inspectors-exempt are excluded and are appointed by the district attorney.

(c) In the sheriff's department, the undersheriff and three commanders are excluded and are appointed by the sheriff-coroner.

(d) The secretary to the undersheriff is excluded and is appointed by the sheriff-coroner.

(e) The sheriff's executive assistant is excluded and is appointed by the sheriff-coroner.

(f) In the sheriff's department, the class of chief of police-contract agency-exempt is excluded and is appointed by the sheriff-coroner.

(Ord. No. 2019-05, § I, 3-26-19; Ord. No. 2010-07, § 1, 5-18-10; Ords. 2004-6 § 1, 99-19, 96-3 § 1, 95-34 § 1, 87-16, 85-55 § 2, 85-29 § 2, 81-70 § 2, 81-32 § I[4], 81-29, 80-70, 74-72 § 2, 73-9 § 9: former §§ 32-2.610, .602 (5, 6): prior code § 2413 (e, t): Ords. 7047, 1032, 939, 325 § 4)

(Ord. No. 2022-33, § 1, 11-8-22)

33-5.313 Health-medical.

(a) Classifications appointed by the Board of Supervisors

(1) The director of health services is excluded and is appointed by the board.

(2) The county health officer (Health and Safety Code Section 101000) is excluded and is appointed by the board.

(3) The county physician (Health and Safety Code Section 1441) is excluded and is appointed by the board.

(4) The county (local) director of mental health services (Welfare and Institutions Code Section 5607, 9 Cal. Code of Regulations Sections 620 et seq.) is excluded and is appointed by the board.

(b) General Executive and Administrative classifications

(1) The assistant to the health services director-exempt is excluded and is appointed by the director of health services.

(2) The assistant directors of health services are excluded and are appointed by the director of health services.

(3) The health services administrative officer is excluded and is appointed by the director of health services.

(4) The health services personnel manager-exempt is excluded and is appointed by the director of health services.

(5) The chief operations officer-exempt is excluded and is appointed by the director of health services.

(6) The emergency medical services director-exempt is excluded and is appointed by the director of health services.

(7) The medical directors are excluded and are appointed by the director of health services.

(8) The chief deputy public administrator-exempt is excluded and is appointed by the director of health services.

(9) The county compliance and HIPAA privacy officer-exempt is excluded and is appointed by the director of health services.

(10) The chief of plant operations-exempt is excluded and is appointed by the director of health services.

(11) The deputy director of health services-exempt is excluded and is appointed by the director of health services.

(c) County Hospital and Clinics classifications

(1) The Contra Costa Regional Medical Center chief executive officer- exempt is excluded and is appointed by the director of health services.

(2) The chief medical officer-exempt is excluded and is appointed by the director of health services.

(3) The residency director-exempt is excluded and is appointed by the director of health services.

(4) The associate medical director-exempt is excluded and is appointed by the director of health services.

(5) The chief quality officer-exempt is excluded and is appointed by the director of health services.

(6) The director of patient financial services is excluded and is appointed by the director of health services.

(7) The chief nursing officer-exempt is excluded and is appointed by the director of health services.

(8) Physicians and dentists serving the county (except those in the classifications of assistant health officer, and chief of community health services) are excluded and are appointed by the director of health services.

(d) Contra Costa Health Plan (CCHP) classifications

(1) The chief executive officer, Contra Costa Health Plan-exempt is excluded and is appointed by the director of health services.

(2) The deputy executive director, Contra Costa Health Plan-exempt is excluded and is appointed by the director of health services.

(3) The director of marketing, member services, and public relations-Contra Costa Health Plan is excluded and is appointed by the director of health services.

(4) The health plan services assistant-exempt is excluded and is appointed by the director of health services.

(e) Information Technology classifications

(1) The health services information technology director-exempt is excluded and is appointed by the director of health services.

(2) The assistant health services information technology director- project management-exempt is excluded and is appointed by the director of health services.

(3) The assistant health services information technology director application development-exempt is excluded and is appointed by the director of health services.

(4) The assistant health services information technology director- customer support-exempt is excluded and is appointed by the director of health services.

(5) The assistant health services information technology director - infrastructure-exempt is excluded and is appointed by the director of health services.

(6) The assistant health services information technology director - information security-exempt is excluded and is appointed by the director of health services.

(f) Environmental & Mental Health classifications

(1) The mental health education liaison-exempt is excluded and is appointed by the director of health services.

(2) The director of environmental health services is excluded and is appointed by the director of health services.

(3) The director of hazardous materials programs-exempt is excluded and is appointed by the director of health services.

(4) The executive assistant to the hazardous materials commission-exempt is excluded and is appointed by the director of health services.

(Ord. No. 2022-26, § I, 7-26-22; Ord. No. 2021-15, § I, 4-27-21; Ord. No. 2019-18, § I, 6-11-19; Ord. No. 2018-09, § I, 3-20-18; Ord. No. 2018-02, § I, 1-9-18; Ord. No. 2017-06, § I, 6-6-17; Ord. No. 2016-20, § I, 11-8-16; Ord. No. 2016-09, § I, 4-12-16; Ord. No. 2013-04, § I, 3-19-13; Ord. No. 2011-14, § 1, 8-9-11; Ord. No. 2011-06, § 1, 3-22-11; Ord. No. 2010-13, § 1, 9-28-10; Ord. No. 2009-16, § 1, 8-25-09; Ord. No. 2009-09, § 1, 4-28-09; Ord. No. 2008-11, § I, 9-16-08; Ords. 2007-37 § 1, 2005-28 § 1, 2004-11 § 1, 2003-32 § 1, 99-23, 98-11 § 1, 98-5 § 1, 97-25 § 1, 97-13 § 1, 96-31 § 1, 93-3 § 1, 92-2 § 1, 90-124 § 1, 90-55, 86-97, 86-32, 85-50 § 2, 83-9, 1-70 § 2, 81-32 § I[5], 80-69 § 1, 80-34 § 1, 80-6, 79-29, 79-9 § 3: § 32-2.602 (7, 13, 16): prior code § 2413 (g, n, r): Ords. 69-81, 2030, 471: Bd. Sups. Resol. # 79/201)

33-5.315 Adjudicative.

The county hearing officer, the juvenile court referees, and the assessment hearing officers are excluded.

(Ords. 81-70 § 2, 81-32 § I[6], 73-45 § 2, 73-9 § 3: former §§ 32-2.614, .602 (9, 17): prior code § 2413 (j, s): Ords. 71-110, 2023: see Chap. 24-18)

33-5.317 Supervisors' staff.

Each member of the board of supervisors may appoint such excluded personal staff person(s) as the board authorizes.

(Ords. 2000-10 § 1, 81-70 § 2, 81-41 § 1[3], 81-32 § 1[7], 73-9 § 3: former §§ 32-2.616, .602(n): prior code § 2413(1): Ord. 1912)

33-5.319 Merit board's executive secretary.

The executive secretary of the merit board is excluded, and is appointed by the merit board.

(Ords. 81-70 § 2, 81-41: see § 33-3.907)

33-5.321 Department head's executive secretary.

The board may authorize any department head(s) to appoint one excluded executive secretary each.

(Ords. 81-70 § 2, 81-41)

33-5.323 Project positions.

Employees in positions (project positions) established by the board for a specific limited period as part of an approved project are excluded. The county administrator and the director of personnel shall develop procedures, to be approved by the board, for designating these positions and employing persons to fill them.

(Ords. 86-96, 81-70 § 2, 81-32 § I[8], 73-9 § 3, former §§ 32-2.618, .602(15): prior code § 2413(q): Ord. 69-27)

33-5.325 Special areas.

(a) The following positions in the Orinda and San Ramon recreation services areas (county service areas R-6 and R-7) are excluded:

Director - Orinda parks and recreation service area (one position);

Clerk - Orinda recreation service area (two positions);

Caretaker - Orinda recreation service area (two positions);

Recreation instructor - Orinda recreation service area;

Recreation assistant - Orinda recreation service area;

Recreation supervisor - Orinda recreation service area (one position);

Park attendant - San Ramon recreation service area (one position);

Caretaker - San Ramon recreation service area (one position)

(b) The public works director is the appointing authority, and the director or director's~~he or his~~ designee shall establish from time to time the full-time or part-time nature of these positions, including allocating persons hired as recreation instructors to the proper class level and pay level on the salary range for the class based on the criteria established by resolution of the board.

(Ords. 84-53 § 1, 81-70 § 2, 81-32 § I[9], 80-10, 79-122, 76-87, 76-41, 76-22, 74-73, 74-15 § 2, 73-94 § 1)

33-5.327 Public information.

The public information officer and public information assistant are excluded, and are appointed by the county administrator.

(Ords. 81-70 § 2, 81-32 § I[10], 77-116, 74-15: former § 32-2.624)

33-5.329 Animal services.

(a) The animal services director is excluded and is appointed by the board.

(b) The deputy director for animal services is excluded and is appointed by the animal services director.

(c) The animal shelter veterinarian-exempt is excluded and is appointed by the animal services director.

(d) The animal services captain-exempt is excluded and is appointed by the animal services director.

(e) The chief of shelter medicine-exempt is excluded and is appointed by the animal services director.

(Ord. No. 2021-09, § I, 3-30-21; Ord. No. 2018-04, § I, 7-24-18; Ord. No. 2012-10, § I, 10-23-12; Ords. 81-70 § 2, 81-32 § I[11, 16], 79-31 § 2, 70-17 §§ 2, 3, 76-62: former §§ 32-2.626, .636)

33-5.331 Airports manager.

The manager of airports (airports manager) is excluded, and is appointed by the public works director.

(Ords. 81-70 § 2, 81-32 § I[12], 77-67: former § 32-2.628)

33-5.339 Library.

(a) Library special project directors-exempt are excluded and are appointed by the county administrator.

(b) Assistant county librarians-exempt are excluded and are appointed by the county librarian.

(c) Library student-assistants-exempt are excluded, and are appointed by the county librarian.

(d) Library aides-exempt are excluded and are appointed by the county librarian.

(Ord. 90-79 § 1, Ords. 90-68 § 1, 81-70 § 2, 81-32 § I[15], 79-73: former § 32-2.634)

33-5.341 Agriculture—Weights and measures.

(a) The offices of county agricultural commissioner and of sealer (director) of weights and measures are excluded and are appointed by the board.

(b) The assistant agricultural commissioner/sealer of weights and measures-exempt is excluded and is appointed by the agricultural commissioner/director of weights and measures.

(Ord. No. 2012-01, § I, 4-24-12; Ords. 2008-08 § 1, 81-70 § 2, 81-32 § I[17], 79-17 § 4: former § 32-2.638: see § 24-24.002, Food-Agric. C. § 2121, and Bus.-Profs. C. § 12200)

33-5.343 Fire.

(a) The class of fire chief - Contra Costa County fire protection district is excluded, and is appointed by the board of supervisors.

(b) The class of assistant fire chief-exempt is excluded and is appointed by the fire chief - Contra Costa County fire protection district.

(c) The one-position class of fire officer in the Contra Costa County fire protection district is excluded and is appointed by the fire chief - Contra Costa County fire protection district.

(d) The class of deputy fire chief-exempt is excluded and is appointed by the fire chief - Contra Costa County Fire Protection District.

(e) The class of fire district aide-exempt is excluded and is appointed by the fire chief- Contra Costa County fire protection district.

(f) The class of fire district medical director-exempt is excluded and is appointed by the fire chief- Contra Costa County fire protection district.

(Ord. No. 2019-24, § I, 9-17-19; Ord. No. 2018-05, § I, 8-14-18; Ord. No. 2015-23, § I, 11-3-15; Ords. 2000-23 § 1, 94-48 § 1, 81-70 § 2, 81-32 § I[18], 79-79: former § 32-2.640)

33-5.344 Apprentice fire/medics.

Apprentice fire/medics are excluded, and are appointed by the fire chief.

(Ord. 83-5 § 1)

33-5.345 County probation.

(a) The county probation officer-exempt is excluded and is appointed by the board of supervisors.

(b) The assistant county probation officer-exempt is excluded and is appointed by the county probation officer.

(Ord. No. 2013-09, § I, 3-19-13; Ord. 95-21 § 1, Ord. 88-3 § 2)

33-5.346 Chief assistant public defender and chief investigator-exempt.

(a) The chief assistant public defender is excluded and is appointed by the public defender.

(b) The chief investigator-public defender-exempt is excluded and is appointed by the public defender.

(Ords. 2006-39 § 1, 83-12 § 1)

33-5.347 Public works.

(a) The public works director is excluded and is appointed by the board.

(b) The chief deputy public works director is excluded and is appointed by the public works director.

(c) The deputy public works directors are excluded and are appointed by the public works director.

(d) The transportation program manager-exempt is excluded and is appointed by the public works director.

(e) The real estate manager-exempt is excluded and is appointed by the public works director.

(f) The capital projects division manager-exempt is excluded and is appointed by the public works director.

(g) The procurement services manager-exempt is excluded and is appointed by the public works director.

(Ord. No. 2014-01, § I, 1-14-14; Ords. 2003-13 § 1; 81-70 § 2, 81-32 § I[20]: see Chap. 24-22, Str. & Hwys. C. § 2006, Govt. C. §§ 27550 & 24300, etc.)

33-5.348 County surveyor.

The county surveyor-exempt is excluded.

(Ord. 2000-06, § 1)

33-5.349 Superior court staff.

(a) Titles. The classes of positions listed in subsection (b) are excluded from the merit system. They are designated by their statutory titles (where such exist) and by their corresponding present local administrative titles, with parenthetical reference to the relevant statutory provisions in the Government Code (G.C.) and the Code of Civil Procedure (C.C.P.), the Welfare and Institutions Code (W. and I.C.) and in the Family Code (F.C)

(b) Classes. The following classes are excluded:

Statutory Title	Local Administrative Title
Chief administrative officer, superior court executive officer, and jury commissioner. (G.C. 68114.6, § 69898, C.C.P. 195).	Executive officer—superior court—exempt
Superior court secretary (G.C. 69892)	Court administrative assistant I—exempt
Probate commissioner (G.C. 69897)	Court commissioner—exempt
Research assistant (G.C. 69905)	Supervising legal research attorney—exempt Legal research attorney—exempt
Official reporter (G.C. 70047)	Chief court reporter—superior court—exempt
	Court reporter—superior court—exempt
Juvenile court referee (G.C. 70141.11, W. and I.C. § 247)	Court commissioner—exempt
Supervising counselor of conciliation (F.C. 1814, Family Conciliation Court)	Chief—family court services—exempt
Associate counselor of conciliation (F.C. 1814, Family Conciliation Court)	Mediator—family court services—exempt
Family conciliation court secretary (F.C. 1814, Family Conciliation Court)	Court services clerk I, II, III, IV—exempt
Deputy jury commissioner (C.C.P. 195)	Assistant executive officer—superior court—exempt; Court services administrator—exempt (Levels A and B) Court services coordinator—exempt Court services manager—exempt
No statutory equivalent	Court accounting specialist—exempt Court administrative assistant I and II—exempt Court fiscal officer—exempt Court human resources officer—exempt Court information systems manager—exempt Court information systems programmer/analyst—exempt Court investigator—exempt Court services administrator—exempt (level A and B) Court services assistant—exempt Court services clerk IV—technician—exempt Court services coordinator—exempt Court services manager—exempt Court staff development specialist—exempt Court support services assistant—exempt Court systems technician—exempt Director of alternate dispute resolution program—exempt Family law facilitator—exempt

(Ords. 2000-14 § 1, 98-2, 97-24 § 1, 97-15 § 1, 96-30 § 1, 94-15, 91-60, 91-2 § 1, 89-16 § 2, 83-14, 81-70 § 2, 81-63)

33-5.351 Public guardian.

The public guardian is excluded, and is appointed by the board.

(Ord. 81-81 § 3: see § 24-25.002, and W. & I.C. §§ 8000ff)

33-5.353 Land information systems director.

The land information systems director is excluded, and is appointed by the auditor-controller.

(Ords. 82-11 § 2, 81-84)

33-5.355 Appeals officers.

Appeals officers, authorized by the personnel management regulations, Section 211.1, are excluded, and are appointed by the board.

(Ords. 82-21 § 2, 81-85)

33-5.357 Emergency services director.

The director of the office of emergency services is excluded, and is appointed by the county administrator.

(Ord. 82-4)

33-5.359 Information technology.

(a) The chief information officer/director of information technology is excluded and is appointed by the county administrator.

(b) The information systems division director is excluded and is appointed by the chief information officer/director of information technology.

(c) The assistant chief information officer-exempt is excluded and is appointed by the chief information officer/director of information technology.

(d) The chief information technology security officer-exempt is excluded and is appointed by the chief information officer/director of information technology.

(Ord. No. 2020-18, § I, 7-28-20; Ord. No. 2018-26, § I, 9-11-18; Ord. No. 2017-23, § I, 9-19-17; Ord. No. 2016-09, § II, 4-12-16; Ords. 2002-15 § 1, 2002-06 § 1, 95-57 § 1, 85-4 § 2, 82-21 § 1)

33-5.361 Municipal court marshal.

(a) The marshal of the municipal courts is excluded and is appointed by a majority of the municipal court judges.

(b) The county municipal court administrator-exempt is excluded and is appointed by majority of the municipal court judges.

(c) The assistant county municipal court administrator-exempt is excluded and is appointed by the county municipal court administrator-exempt.

(Ords. 88-10 § 2, 85-25: see Govt. Code §§ 73342, 73351(r), 73356(a))

33-5.363 Private industry council executive director.

The private industry council executive director is excluded, and is appointed by the board of supervisors.

(Ord. 84-41)

33-5.365 Clerk of the board.

The clerk of the board of supervisors is excluded, and is appointed by the board.

(Ords. 84-48, 84-36: see § 24-28.002, and Govt. C. § 25100.5)

33-5.367 Director of revenue collection.

The director of revenue collection is excluded, and is appointed by the county administrator.

(Ord. 84-69 § 2)

33-5.369 Community development.

(a) Director. The director of community development is excluded and is appointed by the board of supervisors.

(b) Deputy director-current planning. The deputy director of community development-current planning-exempt is excluded and is appointed by the director of community development.

(Ords. 86-12 § 2, 85-22 § 2)

33-5.371 Transportation planning manager.

The transportation planning manager is excluded and appointed by the director of the community development department.

(Ord. 85-26 § 2)

33-5.373 Director of redevelopment.

The director of redevelopment is excluded and is appointed by the community development director.

(Ords. 85-32 § 6, 84-45 § 1)

Editor's note(s)—Section 33-5.373 was numbered as such at the direction of the county, pending corrective ordinance.

33-5.375 Countywide departmental exempt classifications.

(a) The departmental human resources officer I-exempt and departmental human resources officer II-exempt are excluded and are appointed by any department head as may be authorized by the board.

(b) The chief of administrative services I-exempt and chief of administrative services II-exempt are excluded and are appointed by any department head as may be authorized by the board.

(Ord. No. 2024-08, § I, 3-19-24; Ord. No. 2022-05, § I, 2-1-22; Ord. No. 2021-14, § I, 4-27-21; Ord. No. 2018-03, § I, 2-13-18)

Editor's note(s)—Ord. No. 2018-03, § I, adopted Feberuary 13, 2018, set out provisions for use herein as § 33-5.375. Prior to the adoption of those provisions § 33-5.375 was repealed by Ord. No. 2014-01, § II, adopted January 14, 2014. Former § 33-5.375 pertained to general services and was derived from Ord. No. 85-54 § 2; Ord. No. 85-79 § 2; Ord. No. 2000-34; Ord. No. 2000-42; Ord. No. 2002-51 § 1; Ord. No. 2005-30 § 1; Ord. No. 2009-22, § I, adopted October 20, 2009 and Ord. No. 2010-06, § I, adopted June 22, 2010.

33-5.377 Director of risk management-exempt.

The director of risk management-exempt is excluded and is appointed by the county administrator.

(Ord. No. 2019-01, § I, 5-21-19; Ord. 86-3 § 2)

33-5.379 County veterans service.

(a) The county veterans service officer-exempt is excluded from the merit system and is appointed by the board of supervisors.

(b) The assistant county veterans service officer-exempt is excluded from the merit system and is apopointed by the veterans service officer-exempt

(Ord. 86-19 § 2)

(Ord. No. 2021-39, § I, 12-7-21)

33-5.381 Assistant county assessor-exempt.

The assistant county assessor-exempt is excluded and is appointed by the county assessor.

(Ord. 86-23 § 2)

33-5.383 County clerk-recorder.

(a) The deputy county clerk-recorder-exempt is excluded and is appointed by the clerk-recorder.

(b) The assistant county registrar-exempt is excluded and is appointed by the clerk-recorder.

(c) The assistant county clerk-recorder-exempt is excluded and is appointed by the clerk-recorder.

(Ord. No. 2015-21, § I, 11-10-15; Ord. No. 2013-14, § I, 6-10-13; Ords. 88-11 § 2, 86-23 § 3)

33-5.385 Montara Bay recreation program.

(a) The following positions in the Montara Bay recreation program (county service area M-17) are excluded:

Montara Bay recreation program supervisor-exempt (one position)

Intermediate typist clerk-exempt (one position)

(b) The director of community development is the appointing authority.

(Ords. 86-78, 86-59 § 2)

33-5.387 Employment and human services.

(a) The employment and human services department director-exempt is excluded and is appointed by the board of supervisors. The employment and human services department director is the statutory county welfare director.

(b) The chief deputy director-exempt is excluded and is appointed by the employment and human services department director.

(c) The workforce investment board executive director-exempt is excluded and is appointed by the employment and human services department director.

(d) The workforce services director-exempt is excluded and is appointed by the employment and human services department director.

(e) The employment and human services deputy bureau director-exempt is excluded and is appointed by the employment and human services department director.

(f) The aging and adult services director-exempt is excluded and is appointed by the employment and human services department director.

(g) The children and family services director-exempt is excluded and is appointed by the employment and human services department director.

(h) The employment and human services director of administration-exempt is excluded and is appointed by the employment and human services department director.

(i) The social service public information officer-exempt is excluded and is appointed by the employment and human services department director.

(j) The assistant director-policy and planning-exempt is excluded and is appointed by the employment and human services department director.

(k) The chief financial officer-exempt is excluded and is appointed by the employment and human services department director.

(l) The community services director-exempt is excluded and is appointed by the employment and human services department director.

(Ord. No. 2014-13, § I, 4-1-14; Ord. No. 2014-08, § I, 8-5-14; Ords. 2002-22 § 2, 99-20 § 1, 99-18 § 1, 99-13 § 1, 97-35 § 1, 94-52 § 1, 87-17 § 2, Gov. Code § 19800, Cal. Code Regs., tit. 2, § 17200)

(Ord. No. 2017-02, § I, 12-5-17; Ord. No. 2023-04, § I, 1-17-23)

33-5.389 Executive assistant to the hazardous materials commission.

The executive assistant to the hazardous materials commission is excluded and is appointed by the county administrator.

(Ord. 87-24 § 2)

33-5.391 Racial equity and social justice.

(a) The co-director, race, equity, and community empowerment-exempt is excluded and is appointed by the board of supervisors.

(b) The co-director, race, equity, and inter-agency engagement-exempt is excluded and is appointed by the board of supervisors.

(Ord. No. 2023-09, § I, 5-23-23)

33-5.393 Retirement administrator.

(a) The retirement administrator is exempt and is appointed by the board of retirement of the Contra Costa County Employees' Retirement Association.

(b) The assistant retirement administrator-exempt is exempt and is appointed by the retirement administrator.

(c) The retirement chief investment officer-exempt is exempt and is appointed by the retirement administrator.

(d) The retirement general counsel-exempt is exempt and is appointed by the retirement administrator.

(Ords. 2007-29 § 1, 2004-31 § 1, 2001-18 § 1, 88-59 § 2, Res. No. 88/349, Gov. C. § 31522.2)

33-5.395 Assistant county auditor-controller-exempt.

The class of assistant county auditor-controller-exempt is excluded and is appointed by the county auditor-controller.

(Ord. 91-8)

33-5.397 Treasurer-tax collector.

(a) The assistant county treasurer is excluded and is appointed by the treasurer-tax collector.

(b) The assistant county tax collector is excluded and is appointed by the treasurer-tax collector.

(c) The treasurer's investment officer is excluded and is appointed by the treasurer-tax collector.

(Ord. No. 2021-26, § I, 9-14-21)

Ord. No. 2021-26, § I, adopted September 14, 2021, amended § 33-5.397 in its entirety to read as herein set out. Former § 33-5.397, pertained to chief deputy treasurer-tax collector, and derived from Ords. 2003-16 § 1; 2002-13 § 1, 2000-15 § 1, 92-14 § 1.

33-5.399 Deputy public defender and assistant public defender-exempt.

(a) Deputy public defender-special assignment-exempt. The class of deputy public defender-special assignment-exempt is excluded and is appointed by the public defender.

(b) Assistant public defender-exempt. The class of assistant public defender-exempt is excluded and is appointed by the public defender.

(Ords. 90-8 § 1, 89-59 § 1)

33-5.403 Conservation and development.

(a) The director, department of conservation and development-exempt is excluded and is appointed by the board.

(b) The class of deputy director, department of conservation and development-exempt is excluded and is appointed by the director of the department of conservation and development.

(c) The class of assistant deputy director, conservation and development-exempt is excluded and is appointed by the director of the department of conservation and development.

(d) The class of economic development manager-exempt is excluded and is appointed by the director of the department of conservation and development.

(Ord. No. 2017-19, § I, 7-18-17; Ord. No. 2015-14, § I, 8-18-15; Ords. 2008-13 § 1, 90-123, 86-12 § 2, 85-32 § 6, 85-26 § 2, 85-22 § 2, 84-45 § 1)

33-5.405 Small business development center director-exempt.

The small business development center director-exempt is excluded and is appointed by the executive director of the private industry council.

(Ord. 95-44 § 1)

33-5.407 Social service public information officer-exempt.

The social service public information officer-exempt is excluded, and is appointed by the county welfare director.

(Ord. 96-31 § 2)

33-5.409 Emergency planning specialist-exempt.

The emergency planning specialist-exempt is excluded, and is appointed by the county administrator.

(Ord. 96-31 § 3)

33-5.410 County counsel.

(a) Assistant county counsels-exempt are excluded and are appointed by the county counsel.

(b) Chief assistant county counsel-exempt is excluded and is appointed by the county counsel.

(c) Deputy county counsels-exempt are excluded and are appointed by the county counsel.

(d) Senior financial counsel-exempt is excluded and is appointed by the county counsel.

(Ord. No. 2021-02, § I, 2-9-21; Ord. No. 2013-03, § I, 2-12-13; Ords. 99-14, 98-18)

33-5.411 Director, chief assistant director and supervising attorney of child support services-exempt.

(a) The class of director of child support services is excluded, and is appointed by the board of supervisors.

(b) The class of chief assistant director of child support services-exempt is excluded, and is appointed by the director of child support services.

(c) The class of supervising attorney of child support services-exempt is excluded, and is appointed by the director of child support services.

(Ord. 2000-32 § 1; Ord. 2000-27 § 1)

33-5.413 Human resources.

(a) The director of human resources-exempt is excluded and is appointed by the county administrator.

(b) The assistant director of human resources-exempt is excluded and is appointed by the director of human resources-exempt.

(c) The human resources manager-exempt is excluded and is appointed by the director of human resources-exempt.

(Ord. No. 2021-26, § II, 9-14-21; Ord. No. 2017-07, § I, 6-6-17; Ord. No. 2014-05, § V, 4-1-14; Ord. No. 2013-05, § I, 1-22-13; Ords. 2007-02 § 2, 2005-12 § 1, 2003-10 § 1)

Chapter 33-7 OTHER MERIT SYSTEM MATTERS

Sections:

Article 33-7.3. General and Interim

33-7.303 Interim jurisdiction.

(a) In addition to the provisions of Article 33-3.15 (Ord. 80-47 Sections II—V), the following applies to pending appeals.

(b) Pending Civil Service Appeals. All appeals from orders of dismissal, suspension or demotion, pending before the civil service commission on or before June 30, 1981, shall continue and become subject to the jurisdiction of the merit board under Ordinance 80-47 (Ordinance Code Articles 33-3.5 through 33-3.15), effective July 1, 1981.

(Ords. 81-70 § 3, 81-33)

Article 33-7.5. Compensation

33-7.503 Merit board members.

(a) Stipends. Each merit board member shall be paid for such services seventy-five dollars per meeting, but not more than twenty-four meetings (eighteen hundred dollars) per calendar year.

(b) Special Meeting Stipends. In addition, each merit board member shall be paid for such services seventy-five dollars per special meeting called and conducted, but not more than twelve such special meetings (nine hundred dollars) per calendar year to hear and make determinations under the Consent Decree (Croskey v. County of Contra Costa, USDC No. C-73-1967 SAW) pursuant to Resolution No. 2000-385 or other matters within its jurisdiction.

(c) Expenses. Each merit board member shall also be reimbursed for mileage and other expenses actually, reasonably and necessarily incurred in the discharge of such duties, as provided by resolution of the board of supervisors.

(Ords. 80-70 § 3, 81-37: former § 32-4.208)

Division 36 COMPENSATION

Chapter 36-2 COURTROOM CLERKS

Sections:

36-2.002 Effective provisions.

The provisions of Section 68546 of the Government Code are made effective in this county.

(Ord. 97-10 § 1)

Division 38 RETIREMENT

Chapter 38-2 SYSTEM

Sections:

38-2.002 Established.

The Contra Costa County employees' retirement system became operative on July 1, 1945, having been established pursuant to the County Employees' Retirement Law of 1937 (Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, beginning with Section 31450) by Ordinance 326 passed on March 6, 1944, and adopted by the electorate on November 7, 1944.

(Ord. 1573: prior code § 2465: Ord. 326)

Chapter 38-4 MISCELLANEOUS PROVISIONS

Sections:

Article 38-4.2 Adjustments

38-4.202 Adjustments—Applicability of Government Code provisions.

The provisions of Government Code Sections 31681.5 and 31739.3 (1961 Stats. Chapter 1120) shall be applicable in this county on December 1, 1961, operative on retirement allowances paid for the month of December, 1961.

(Ord. 1573: prior code 2466)

38-4.204 Adjustments—Cost of living.

Pursuant to Government Code Section 31874, the provisions of Sections 31870 ff., relating to a cost of living adjustment in the county employees' retirement system, are made applicable in Contra Costa County on and after April 1, 1964, an actuarial survey of the system having heretofore been made by this county.

(Ord. 1788: prior code 2467)

Article 38-4.4 Partially Disabled Persons

38-4.402 Partially disabled persons—Applicability of Government Code provisions.

The provisions of Government Code Section 31725.5 are made effective in this county.

The board of retirement shall implement these provisions by suitable regulations, which it may make applicable to persons heretofore retired for disability. These regulations shall include provision for a rehabilitation committee consisting of:

(1) A member of the retirement board designated by the board;

(2) The county administrator; and

(3) Director of personnel; or

(4) Their designees;

(5) For each employee's rehabilitation program, the head of the department in which the rehabilitation employment is proposed; and

(6) If requested by the employee involved, a representative of the employee.

These regulations shall provide that each proposed rehabilitation case shall be referred to the board of supervisors for its discretionary approval; but the appointing authority in each rehabilitation case shall be the appointing authority in each rehabilitation case shall be the appointing authority of the department to which the position is allocated.

Necessary complementary merit system regulations shall be adopted to implement this program.

(Ord. 67-37 1, 1967: prior code 2468)

Article 38-4.6 Service Credits

38-4.602 Sick leave.

Pursuant to Government Code Section 31641.01, each member of the retirement system shall be credited with one day of service under Section 31641 for each one day of sick leave accumulated as of the date of the member's~~his~~ retirement, and this sick leave credit shall be in addition to any other service credited under Section 31641.

(Ord. 73-55 1, 1973)

38-4.604 Early retirement.

The provisions of Government Code Section 31641.04 are adopted and made applicable in Contra Costa County.

(Ord. 76-63; 88-64 2; Gov. Code, 3161.04)

Article 38-4.8 Tier 3

38-4.802 Tier 3 retirement—Applicability of Government Code provisions.

The provisions of Government Code Section 31755 shall be applicable in this county on October 1, 1998.

(Ord. 98-34, 1)

Title 4
HEALTH AND SAFETY

Division 40 GENERAL

Chapter 40-2 REGULATIONS

Article 40-2.2. Health Officer Cuts Utilities

40-2.202 Health officer to disconnect utilities.*

When the health officer finds a violation of any state or county law or regulation relating to health or sanitation, which violation is related to a structure or facility, the health officer ~~he~~ may shut off or disconnect any or all utility service thereto which contributes to the violation, or ~~he~~ may order this done. If ~~he~~the health officer finds that the violation involves an immediate danger to the public health ~~he~~the health officer may have the action taken as quickly as ~~he~~ the health officer deems necessitated by the danger; otherwise ~~he~~the health officer shall give ten days advance notice thereof by mail to the utility and to the owner as shown on the last assessment roll and by conspicuous posting on the property; and the health officer ~~he~~ shall conspicuously post notice of ~~his~~the health officer's orders and the action taken, which no person shall remove, tamper with or disobey. The health officer ~~He~~ shall rescind or modify such action when it becomes proper to do so in view of the danger or violation.

(Ord. 72-16 § 1, 1972: Ord. 1555: prior code §4100).

* For food peddler permit issuance action, see §§ 56-4.802—56-4.816, this code.

Chapter 40-4 ONE LOCAL HEALTH PLAN MODEL OF MEDI-CAL MANAGED CARE

40-4.002 Purpose.

To protect the health, welfare and safety of the people of Contra Costa County, it is necessary to ensure that the County Health Services Department maintains its flexibility to serve Medi-Cal managed care enrollees in the most effective manner, including but not limited to serving enrollees through a single local plan model.

(Ord. No. 2021-31, § 1, 9-14-21; Ord. No. 2021-42, § 1, 12-14-21)

40-4.004 Findings and declaration.

The board of supervisors finds and declares as follows:

(a) Residents of Contra Costa County who are Medi-Cal beneficiaries are currently served under the two-plan model of Medi-Cal managed care that was established by the California Department of Health Care Services.

(b) Contra Costa Health Plan, which is directly owned and operated by the county, currently serves as the local initiative plan under the existing two-plan model.

(c) The California Department of Health Care Services has offered counties the opportunity to transition to a single local plan model of Medi-Cal managed care.

(d) The county operates Contra Costa Health Plan within the county health services department, as authorized by Government Code Section 25209.6, which imposes no limitations on the contracting models available to the county-operated health plan.

(e) A single local plan allows for enrollment in one local public health plan, making entry into the health care system and managing care for members more effective and efficient.

(f) Contra Costa Health Plan is well-positioned to become the single local Medi-Cal managed care plan because it serves more than eighty percent of the local Medi-Cal population, contracts with most health care providers who furnish services to Medi-Cal enrollees in the county, and has a demonstrated record of success in arranging and providing Medi-cal services through managed care.

(g) It is in the best interests of the county to maintain its flexibility to operate in a manner that best serves the county's Medi-Cal managed care population.

(Ord. No. 2021-31, § 2, 9-14-21; Ord. No. 2021-42, § 2, 12-14-21)

40-4.006 Single local plan model.

Contra Costa Health Plan is authorized to serve as the single local plan for Medi-Cal managed care enrollees in the county, upon approval of the California Department of Health Care Services. The effective date of this authorization is January 1, 2024, unless the California Department of Health Care Services approves and authorizes a different date.

(Ord. No. 2021-31, § 3, 9-14-21; Ord. No. 2021-42, § 3, 12-14-21)

40-4.008 Other contracting models.

Nothing in this chapter precludes the county from continuing to operate under the two-plan model or from opting into any other Medi-Cal managed care contracting model the state makes available.

(Ord. No. 2021-31, § 4, 9-14-21; Ord. No. 2021-42, § 4, 12-14-21)

Division 42 DISASTER

Chapter 42-2 DISASTER COUNCIL AND EMERGENCY SERVICES

Article 42-2.2. General

42-2.202 Authority.

This chapter effectuates, and is authorized by, Government Code Sections 8550 ff, (the California Emergency Services Act) as amended from time to time.

(Ord. 72-83 § 1 (part), 1972).

42-2.204 Purposes.

The purpose of this chapter is to provide for:

(1) The preparation and effectuation of plans to protect persons and property in this county in emergencies;

(2) The creation, direction and operation of the county emergency organization; and

(3) The coordination of the county's emergency services and functions with those of other public and private entities, organizations and persons.

(Ords. 82-55 § 1, 72-83).

42-2.206 Definitions, emergency.

(a) "Emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this county caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake or other conditions, including conditions resulting from war or imminent threat of war (but not conditions resulting from a labor controversy), which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this county, requiring the combined forces of other political subdivisions to combat.

(b) Government Code Section 8558 Prevails. To the extent that this definition may conflict with the provisions of Government Code Section 8558, the latter shall prevail.

(c) Government Code Definitions. Unless otherwise specifically provided, or required by the context, the terms in this chapter which are also used in Government Code Sections 8550 if, as recodified and/or amended from time to time, have the meanings therein.

(Ords. 82-55 § 2, 72-83).

Article 42-2.4. Policy Board/Operational Area Council

42-2.402 Emergency services policy board establishment—Membership.

The Contra Costa County emergency services policy board is established. Its membership consists of the following occupants of county or other public positions and offices.

(a) County Administrator (chair).

(b) Sheriff (vice-chair).

(c) County Counsel.

(d) Director, Public Works.

(e) Director, Health Services.

(f) Fire Chief, Contra Costa County Fire Protection District.

(g) Risk Manager.

(h) Director, Department of Conservation and Development.

(i) Director, Employment and Human Services.

(j) County Superintendent of Schools or designee.

(k) Director, Information Technology.

(l) Representative from the Public Managers' Association.

(Ord. No. 2023-15 § 2, 8-8-23, Ords. 2001-19 § 1, 2000-25 § 1, 97-41 § 2, 82-55, 72-83).

42-2.404 Emergency services policy board—Purposes, duties, meetings.

(a) Purpose. The emergency services policy board is an advisory body to the county administrator that provides assistance and advice on emergency preparedness planning efforts and the coordination of those planning efforts throughout the county.

(b) Disaster Council. The emergency services policy board functions as the Contra Costa County disaster council pursuant to Government Code Section 8610.

(c) Duties. The emergency services policy board shall review and make recommendations on emergency and mutual aid plans and agreements, and on any ordinances, resolutions and regulations that are necessary to implement those plans and agreements.

(d) Meetings. The emergency services policy board shall meet at least once per year, at a date and time determined by the county administrator, chair of the policy board; or in the county administrator's absence from the County or inability to act, by the sheriff, vice chair of the policy board. The emergency services policy board may meet more frequently as needed.

(e) Staff. The director of the office of emergency services serves as staff and secretary to the emergency services policy board.

(Ord. No. 2023-15 § 3, 8-8-23, Ords. 2001-19 § 1, 2000-25 § 1, 97-41 § 2, 82-55, 72-83).

42-2.406 Operational area council— Purposes, duties, meetings.

(a) Purpose. The operational area council is created as an advisory council to the emergency services policy board. The operational area council consists of emergency managers from incorporated cities, special districts, key utilities and businesses and staff of the sheriffs office, office of emergency services.

(b) Duties. The operational area council discusses and considers countywide emergency management areas and issues and makes recommendations thereon to the emergency services policy board through the office of emergency services.

(c) Meetings. The operational area council meets quarterly when a date and time are fixed by the emergency services director or otherwise as requested by any of the member agencies.

(Ords. 2001-19 § 1, 2000-25, § 1).

Article 42-2.6. County Administrator, Director and Staff

42-2.602 Administrator of emergency services, alternates.

(a) The county administrator is the administrator of emergency services and is in charge of the county's emergency organization. Unless otherwise specifically provided or required by the context, all references in this chapter to the county administrator are in the county administrator's capacity as the administrator of emergency services.

(b) The county administrator shall, with the board's approval, annually designate from the county administrator's office three alternate administrators of emergency services and their order of succession. These alternate administrators are the county administrator's standby officers in accordance with Government Code section 8638.

(c) If the county administrator is temporarily or permanently unavailable to carry out the duties of administrator of emergency services, each alternate, in order of succession, shall have the powers and duties of the county administrator specified in this chapter. Upon assuming these powers and duties, an alternate shall immediately confer, if possible, with one or more members of the board of supervisors, including the chair of the board of supervisors if available.

(Ord. No. 2023-15 § 4, 8-8-23, Ords. 82-55,72-83).

42-2.603 Reserved.

Ord. No. 2023-15, § 5, adopted August 8, 2023, repealed § 42-2.603, which pertained to alternates to county administrator and derived from Ord. 72-83 § 1 (part), 1972.

42-2.604 Director and staff.

(a) The office of emergency services, which is a part of the County's emergency organization, is a division in the office of the sheriff.

(b) The sheriff, in conjunction with the county administrator, shall appoint the director of the office of emergency services. The sheriff shall supervise the director of the office of emergency services, subject to the county administrator's emergency powers and duties under this chapter. The director of the office of emergency services shall supervise the daily operations of the office of emergency services.

(c) The sheriff shall appoint the staff of the office of emergency services, who shall perform those tasks assigned by the sheriff to fulfill the purposes of this chapter, subject to the county administrator's emergency powers and duties under this chapter.

(d) The director of the office of emergency services shall, under the supervision of the sheriff, develop emergency plans, manage the emergency programs of the county, and have and perform other powers and duties assigned by the sheriff, subject to the county administrator's emergency powers and duties under this chapter.

(Ord. No. 2023-15 § 6, 8-8-23, Ords. 97- 42, 82-55 § 6, 72-83; see also § 33-5.357).

Article 42-2.8. County Administrator's Powers and Duties

42-2.802 Proclaims local emergency.

When the board is not in session, the county administrator may proclaim a local emergency, but only after conferring if possible with one or more members of the board of supervisors, including the chair if available, or declaring in writing that this conference is impossible and filing the written declaration with the clerk of the board of supervisors.

(Ord. No. 2023-15 § 7, 8-8-23, Ords. 72-83 § 1 (part), 1972).

42-2.804 Requests state of emergency.

The county adminisrator may ask the Governor to proclaim a state of emergency when the county administrator deems locally available resources inadequate to cope with an emergency.

(Ord. No. 2023-15 § 8, 8-8-23, Ords. 72-83 § 1 (part), 1972).

42-2.806 Directs and coordinates.

(a) The county administrator shall control and direct the effort of the emergency organization of this county to accomplish the purposes of this chapter.

(b) The county administrator shall direct cooperation between and coordination of services and staff of the emergency organization of this county, and resolve questions of authority and responsibility that may arise between them.

(Ord. No. 2023-15 § 9, 8-8-23, Ords. 72-83 § 1 (part), 1972).

42-2.807 Represents county.

The county administrator is empowered to represent the county in any negotiation or consultation with public or private agencies on matters pertaining to emergencies.

(Ord. 82-55 § 7).

42-2.808 Emergency powers.

(a) Emergencies. The county administrator has the powers and duties specified in this section when an emergency exists under Government Code section 8558(a) or has been duly proclaimed pursuant to this chapter or Government Code sections 8558, 8625, or 8630.

(b) Regulations. The county administrator may make regulations reasonably related to the protection of life and property as affected by an emergency. The board shall, at the earliest practicable time, wholly or partly, ratify, modify, or repeal these regulations.

(c) Procurement of Goods and Services. The county administrator may obtain vital supplies, equipment, other goods, and services, found lacking and needed for the protection of life and property; may bind the county for their fair value; and may, if they are required immediately, commandeer them for public use.

(d) Require Services and Materials. The county administrator may require emergency services, personnel, or materials from any county officer, department, agency or employee. If a state of war emergency exists, or if a state of emergency covering this county has been duly proclaimed, the county administrator may command the aid of as many persons of this county as deemed necessary in the execution of the county administrator's duties. These persons have all the privileges, benefits, and immunities provided by state law for registered disaster service workers.

(Ord. No. 2023-15 § 10, 8-8-23, Ords. 82-55 § 8, 72-83; see Gov. Code §§ 8610, 8657, etc.).

42-2.810 Emergency expenditures.

(a) Presumption. All expenditures for emergency activities, including mutual aid activities, shall be conclusively deemed to be for the direct protection and benefit of this county's people and their property.

(b) Authorization. Every county department may expend its regular funds for assigned emergency purposes, to be refunded as the board deems appropriate from any available federal or state disaster relief funds.

(Ord. 72-83 § 1 (part), 1972).

Article 42-2.10. Emergency Organization and Plan

42-2.1002 Emergency organization.

The county's emergency organization comprises all county officers and employees, all volunteer forces enrolled to aid them during an emergency, and all persons who may by agreement or operation of law be charged with duties incident to the protection of life and property in this county during an emergency, including individuals impressed into service.

(Ord. 72-83 § 1 (part), 1972).

42-2.1004 Emergency plan.

(a) Development. The county office of emergency services shall develop the county's emergency plan after consulting with local emergency management agencies and keep it up to date.

(b) Contents. The emergency plan shall provide for:

(1) The effective mobilization of the emergency organization of this county to meet any condition(s) constituting, contributing to, or resulting from an emergency; and

(2) The emergency organization's staff, organization, powers, duties, and services.

(c) Adoption. The plan shall take effect as provided in the board resolution adopting it.

(Ord. No. 2023-15 § 11, 8-8-23, Ords. 72-83 § 1 (part), 1972).

Article 42-2.12. Enforcement

42-2.1202 Enforcement—Obstruction.

No person shall wilfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful regulation issued pursuant to this chapter, or in the performance of any duty or function hereunder.

(Ord. 72-83 § 1 (part), 1972).

42-2.1204 Enforcement—False identification.

No person shall, without authority therefor, wear, carry or display any means of identification specified by the State Office of Emergency Services.

(Ord. 72-83 § 1 (part), 1972).

42-2.1206 Enforcement—Misdemeanor, punishment.

Any violation of any provision of this chapter is a misdemeanor and is punishable as provided in Government Code Section 8665 and this code.

(Ord. 82-55 § 9).

Chapter 42-4 CONTINUITY OF GOVERNMENT

42-4.002 Definition.

"Unavailable" has the meaning set forth in Government Code section 8636.

(Ord. No. 2023-15 § 12, 8-8-23; Ords. 1880: 1685: prior code § 3110).

42-4.004 Appointments for succession.

(a) The board of supervisors shall appoint three standby officers (designated No. 1, No. 2, and No. 3) for each of the five members of the board of supervisors. These appointments shall be updated annually.

(b) If the chair of the board of supervisors becomes unavailable, the duties of the chair do not pass to the standby officer for that supervisor, but pass to the vice-chair of the board. If the chair and vice-chair both become unavailable, the duties of the chair pass to the remaining elected board member with the longest seniority on the board. If no elected board member is available, the duties of the chair pass to the standby officer who is chosen as chair by the standby board of supervisors.

(Ord. No. 2023-15 § 12, 8-8-23; Ords. 1880: 1685: prior code § 3111).

42-4.006 Procedures and duties.

(a) The board of supervisors shall examine, investigate, remove, and replace standby officers in accordance with Government Code Sections 8638, 8639, and 8640. The board chair, or the vice-chair in the chair's absence, shall administer the oath required by Government Code Section 8640.

(b) The board shall file with the Secretary of State a copy of its action appointing, removing, or replacing any standby officers.

(c) Standby officers shall have the duties prescribed in Government Code Section 8641.

(d) The county clerk shall provide each standby officer with a copy of Government Code Title 2, Division 1, Chapter 7, Article 15, Sections 8635 through 8644, inclusive, and of Sections 42-4.002 through 42-4.010, inclusive, of this code.

(Ord. No. 2023-15 § 12, 8-8-23; Ords. 1880: 1685: prior code § 3112).

42-4.008 Temporary appointments.

If all members of the board of supervisors, including all standby members, become unavailable, temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member.

Temporary officers shall be appointed pursuant to Government Code section 8644 as follows:

(a) By the chair of the board of supervisors of any other county within one hundred fifty miles of this county, beginning with the nearest and most populated county and going to the farthest and least populated; and if that person is unavailable.

(b) By the mayor of any city within one hundred fifty miles of this county, beginning with the nearest and most populated city and going to the farthest and least populated.

(Ord. No. 2023-15 § 12, 8-8-23; Ords. 1880: 1685: prior code § 3113).

42-4.010 Filling and review of appointments.

(a) At its second regular meeting in March of each year, or as soon thereafter as practicable, the board of supervisors shall review the status of all standby appointments. The board shall inquire whether three standbys for each member of the board of supervisors are available. Vacancies for standbys shall be filled in accordance with Government Code Sections 8638, 8639, and 8640.

(b) At the same meeting the board shall review its designation by resolution of an alternative temporary county seat pursuant to Government Code Section 23600.

(Ord. No. 2023-15 § 12, 8-8-23; Ords. 1880: 1685: prior code § 3114).

Division 44 DANGEROUS MATERIALS

Chapter 44-2 FIREWORKS[1]

Sections:

44-2.002 Definitions.

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

(a) "Fireworks" has the meaning set forth in Health and Safety Code section 12511.

(1) The term "fireworks" includes the following:

(A) "Dangerous fireworks," as defined in Health and Safety Code section 12505.

(B) "Safe and sane fireworks," as defined in Health and Safety Code section 12529.

(2) The term "fireworks" excludes the following:

(A) "Exempt fireworks," as defined in Health and Safety Code section 12508.

(B) "Party poppers" and "snap caps," as each is defined in California Code of Regulations, Title 19, section 980.

(b) "Responsible party" means any of the following:

(1) A person that owns, rents, leases, or otherwise has possession of, or is in immediate control of, a residence or other private property or a vessel.

[1]Ord. No. 2021-19, § II, adopted June 8, 2021, amended chapter 44-2 in its entirety to read as herein set out. Former chapter 44-2, §§ 44-2.002, pertained to similar subject matter, and derived from Ord. 72-19 § 1, 1972: prior code § 3220: Ord. 684.

(2) A person that organizes, supervises, sponsors, conducts, allows, controls, or controls access to, the possession, manufacture, sale, offer for sale, use, or discharge of fireworks at a residence or other private property or on a vessel.

If a residence or other private property is rented or leased for a period of more than thirty consecutive days, the landlord or lessor is not a responsible party unless the landlord or lessor: has possession of, or is in immediate control of, the residence or other private property; or has knowledge of the possession, manufacture, sale, offer for sale, use, or discharge of fireworks at the residence or other private property.

(c) "Vessel" has the meaning set forth in Harbors and Navigation Code section 651.

(Ord. No. 2021-19, § 2, 6-8-21)

44-2.004 Prohibition.

No person shall possess, manufacture, sell, offer to sell, use, or discharge, any fireworks.

(Ord. No. 2021-19, § 2, 6-8-21)

44-2.006 Exceptions.

This chapter does not prohibit the proper use of flares by railroad personnel, peace officers, fire officials, or motorists.

(Ord. No. 2021-19, § 2, 6-8-21)

44-2.008 Responsible party liability.

A responsible party shall maintain, manage, and supervise the residence or other private property, or vessel, for which they are responsible to prevent violations of this chapter. A responsible party violates this chapter if any person possesses, manufactures, sells, offers to sell, uses, or discharges, any fireworks at the residence or other private property, or on the vessel, for which the responsible party is responsible, regardless of whether the responsible party is present when the violation occurs.

(Ord. No. 2021-19, § 2, 6-8-21)

44-2.010 Enforcement.

The County may seek compliance with this chapter by any remedy allowed under this code and any other remedy allowed by law.

(Ord. No. 2021-19, § 2, 6-8-21)

Chapter 44-4 WEAPONS[*2]*

[2]* For the statutory provisions regarding the regulation of firearms generally, see Pen. C. § 467, 11106 and 12000 ff; for the provision that the state has preempted registration and licensing of firearms, see Gov. C. § 9619; for the provisions regarding the sale of weapons to children, see Pen. C. § 12072 and § 12550 ff.

44-4.002 Firearms—Possession by minors.

No minor under the age of sixteen year shall possess or use firearms of .22 calibre or greater or air guns except under the direct supervision and control of an adult.

(Prior code § 3300: Ord. 603).

44-4.004 Firearms—Discharge restrictions.

(a) No person shall discharge any firearm in any public place or adjacent to or in the direction of any public place.

(b) No person shall discharge any firearm in any private place located in a district zoned residential or commercial.

(c) Subsections (a) and (b) shall not apply to:

(1) The discharge of firearms otherwise authorized by law.

(2) Any of the persons listed in Penal Code Section 12031(b).

(Ord. 92-72 § 2: Ord. 67-44 § 2, 1967: prior code § 3301).

44-4.006 Firearms—Enforcement officer.*

The sheriff of this county shall be responsible for the enforcement of this chapter.

(Prior code § 3302).

* For sheriff, see Ch. 24-20, this code.

44-4.008 Firearms—Ammunition sale to minors.

No person shall sell or give to any minor under the age of sixteen years any ammunition capable of being used by a parent, legal guardian or adult authorized by the parent.

(Ord. 1676: prior code § 3303).

44-4.010 Concealed weapon permit fees.

The fees for the sheriff's processing of applications for concealed weapon permits are as follows:

(a) For an initial concealed weapon permit$197.00

(b) For renewal of a concealed weapon permit$73.00

(c) For renewal of a concealed weapon permit and renewal of a firearms qualification$98.00

(d) For the addition of firearm(s) on a concealed weapon permit$35.00

(e) For replacement of a lost concealed weapon permit or the reissuance of a permit due to a change in personal information about the permit holder$10.00

(Ord. 94-58 § 2; Gov. Code, § 54985(a); Penal Code, § 12054).

Division 46 TRAFFIC REGULATIONS

Chapter 46-2 TRAFFIC ORDERS

46-2.002 Purpose of chapter.

The purpose of this chapter is to establish a procedure for the adoption of traffic regulations applying to particular streets, highways, intersections, or areas within this county.

(Prior code § 3400: Ord. 1436).

46-2.004 Establishment of regulations.

The director of public works may make traffic orders establishing any of the following regulations:

(1) Regulating traffic by means of semaphores or other official traffic-control devices;

(2) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specified direction;

(3) Closing any highway or a portion of it, when in the opinion of the director of public works, the highway is no longer needed or cannot safely be used for vehicular traffic;

(4) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the highway;

(5) Designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection;

(6) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code of the state of California;

(7) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges in this county;

(8) Closing to vehicular traffic that portion of any street or highway crossing or dividing any school grounds when in the opinion of the director of public works the closing is necessary for the protection of persons attending the school or using the school grounds. The closing to vehicular traffic may be limited to the hours and days that the director of public works may specify;

(9) Establishing crosswalks between intersections;

(10) Directing that pedestrians shall not cross in a crosswalk indicated at an intersection;

(11) Regulating vehicular traffic on privately owned and maintained roads or ways within the boundaries of a privately owned airport, when the roads or ways are expressly open to the general public for purposes of vehicular traffic;

(12) Regulating vehicular and pedestrian traffic in subways, tubes, and tunnels or on bridges or viaducts;

(13) Requiring that all vehicles stop before entering or crossing the tracks at any highway railroad grade crossing;

(14) Regulating vehicular traffic on privately owned and maintained roads or ways within the boundaries of any housing project or within the site of any housing owned or operated by a housing authority created under and by virtue of the Housing Authorities Law, commencing at Section 34200 of the Health and Safety Code of the state of California, on privately owned and maintained roads or ways within areas which would be a residence district if the road or way were a public highway, or, with the consent of the owner, on publicly owned and maintained roads and ways within areas not owned by this county;

(15) Prohibiting the making of any turning movement by any vehicle at any intersection or between any designated intersections;

(16) Prohibiting the parking or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day;

(17) Declaring a prima facie speed limit of thirty, thirty-five, forty, forty-five, fifty, fifty-five or sixty miles per hour, or a maximum speed limit of sixty-five miles per hour, on any street other than a state highway otherwise subject to a prima facie speed limit of twenty-five miles per hour;

(18) Declaring a prima facie speed limit of sixty, fifty-five, fifty, forty-five, forty, thirty-five, thirty, or twenty-five miles per hour on any portion of any street other than a state highway where the street is subject to a speed limit of sixty-five miles per hour;

(19) Regulating the installation and operation of mechanical devices for the control of vehicular and pedestrian traffic;

(20) Establishing weight limitation for vehicles traveling over county roads and bridges;

(21) Providing for the delineation of parking spaces.

(Ord. 1774: Ord. 1528: prior code § 3401: Ord. 1436).

46-2.006 Standards.

Every traffic order made under Section 46-2.004 shall be based on a traffic and engineering survey and shall conform with accepted principles and practices of traffic engineering.

(Prior code § 3402: Ord. 1436).

46-2.008 Adoption and posting.

No traffic order shall be effective until:

(1) It has been adopted by resolution of the board of supervisors; and

(2) Appropriate signs or markings, meeting the requirements of the Vehicle Code of the state of California, are placed to give notice of the regulation to the traveling public, unless the regulation itself constitutes notice.

(Prior code § 3403: Ord. 1436).

46-2.010 Numbering and filing of adoption resolutions.

(a) Resolutions adopting traffic orders shall be numbered consecutively, in a numerical series separate from that applied to other resolutions of the board of supervisors.

(b) A copy of each resolution adopting a traffic order shall be filed with the director of public works.

(Prior code § 3404: Ord. 1436).

46-2.012 Penalty for violation.

Violations of traffic orders adopted under this chapter shall be punished as provided in California Vehicle Code Sections 40000.1 and 42001.

(Ord. 79-53 § 1: prior code § 3405: Ord. 1436).

Chapter 46-4 MISCELLANEOUS PROVISIONS

46-4.002 Parking—On hills.

(a) No person driving, in control of, or in charge of any vehicle shall stand or park if on any street or highway where the grade exceeds three percent, in any business or residential district as defined by the California Vehicle Code, without setting the brakes and blocking the wheels of the vehicle by turning them against the curb or by other means.

(b) Any person violating this section shall be punished as provided in Vehicle Code Section 42001.

(Ord. 79-53 § 1: prior code § 3410: Ord. 1167: See C.V.C. § 22509).

46-4.003 Parking—Commercial Vehicles.

(a) Prohibition. No person driving or in control or charge of any commercial vehicle, having a manufacturer's gross vehicle weight rating of ten thousand pounds or more, shall stand or park it on any county street or highway, or portion thereof, located in any residence district as defined by the California Vehicle Code.

(b) Exemptions. This section is not effective with any commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure on the restricted streets or highways for which a building permit has previously been obtained.

(c) Punishment. Any person violating this section shall be punished as provided in Vehicle Code Section 42001.

(Ord. 79-88: C.V.C. §§ 515, 22507.5).

46-4.004 Parking—Seventy-two or more consecutive hours.

Any vehicle parked or left standing on a county road for seventy-two or more consecutive hours may be removed as provided in the Vehicle Code.

(Ord. 71-7 § 1, 1971: Ord. 1800: Ord. 1498: prior code § 3411).

46-4.006 Parking—In marked spaces.

The public works director may cause county roads to be marked with white lines designating parking spaces. Where parking spaces have been so designated, no vehicle shall be parked except within such marked spaces.

(Ord. 1774: prior code § 3412).

46-4.008 Parking—Removal of parked vehicles.

The road commissioner may have signs placed giving notice that vehicles may be removed from any county road, and twenty-four hours thereafter may have the vehicle removed in accordance with the provisions of this code and the Vehicle Code, when:

(1) The use of any county road, or a portion thereof, is either:

(a) Necessary for the cleaning, repair or construction of the road or for the installation of underground utilities, or

(b) Authorized by permit for a purpose other than the normal flow of traffic, or for the movement of equipment, articles or structures of unusual size; and the parking of any vehicle would prevent or interfere with any such use; or

(2) A vehicle is illegally on a county road in violation of a county traffic ordinance or resolution forbidding standing or parking.

(Ord. 71-7 § 2, 1971: Ord. 1886: Ord. 1774: prior code § 3413).

46-4.010 Vehicle weight limits raised—Highways designated.

(a) Pursuant to the authority contained in Vehicle Code Section 35700, trucks and vehicle combinations transporting garbage, rubbish and/or swill shall be deemed in compliance with Vehicle Code Sections 35550 and 35551 if the maximum gross weight imposed on the county highways in subsection (b) by the wheels on any one axle is not over twenty-three thousand pounds and the gross weight upon the wheel(s) supporting one end of an axle and resting on the roadway is not over twelve thousand five hundred pounds.

(b) The county highways in the North Richmond area referred to in subsection (a) are:

(1) That portion of Parr Boulevard contiguous to the city of Richmond lying westerly of the Southern Pacific right-of-way;

(2) That portion of Third Street contiguous to the city of Richmond and lying between Gertrude Avenue and Parr Boulevard;

(3) All of Garden Tract Road adjacent to Parr Boulevard;

(4) Portion of Market Street between Third Street and First Street;

(5) Central Street, between Pittsburg Avenue and Brookside Drive;

(6) Portion of Brookside Drive between Third Street and Central Street; and

(7) All of Pittsburg Avenue.

(Ords. 77-108, 67-75, 67-69: prior code § 3414).

Chapter 46-6 NONVEHICULAR ACTIVITIES IN RIGHTS-OF-WAY

46-6.002 Definitions.

As used in this chapter, these terms have the following meanings:

(1) "Darkness" is any time from one-half hour after sunset to one-half hour before sunrise and any other time when there is not sufficient light to render clearly discernible any person or vehicle on the roadway or right-of-way at a distance of five hundred feet.

(2) "Roadway" is as defined in Section 530 of the California Vehicle Code.

(3) "Right-of-way" means all land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved or set aside for or dedicated to the use of the general public for road or highway purposes, and all or a portion of which is open to public travel.

(4) "Pedestrian" means one who journeys or travels on foot from one point to another on or near a roadway without remaining in one position or area for more than a temporary period, and such status shall not be changed by temporary or intermittent stops or pauses incidental to the journey.

(5) "Business district" is as defined in Section 235 of the California Vehicle Code.

(Ord. 2022: prior code § 3421).

46-6.004 Dangerous activities—Board findings.

The board of supervisors finds that any person sleeping, dozing or reclining outside of a motor vehicle or trailer within any public right-of-way is a grave and immediate hazard to the safety of ~~himself~~themself and of those entitled to use, and using or trying to use, the roadway or other parts of the public right-of-way, and that persons walking or standing (other than pedestrians walking on the left-hand side of the roadway) within fifteen feet of roadways outside a business district during darkness, and not displaying a light or reflector adequate to signify their presence, constitute a danger to themselves and to others using such roadway.

(Ord. 2022: prior code § 3420).

46-6.006 Prohibited activities.

It is unlawful for any person to sleep, doze, or recline outside of any motor vehicle or trailer within any right-of-way. (Prior code § 3422).

46-6.008 When light or reflector required.

It is unlawful for any person to walk or stand within fifteen feet of any roadway outside a business district during darkness without displaying ~~on his person~~ a light or reflector adequate to signify the person's ~~his~~ presence to vehicular traffic on the roadway, except pedestrians walking on the left-hand side of the roadway.

(Ord. 2022: prior code § 3423).

46-6.010 Acts interfering with adjacent business.

It is unlawful for any person to remain on a public street, sidewalk or other public place or place open to the public (inside or outside a public right-of-way), when the person's~~his~~ presence or acts unreasonably interfere with the peaceful conduct of a lawful business or occupation on adjacent property by annoying or disturbing its personnel or customers, after having been asked to leave by the owner, agent or person in lawful possession of such business.

(Ord. 68-84 § 1, 1968: prior code § 34-24).

Chapter 46-8 ROADSIDE SELLING

46-8.002 Definitions.

As used in this chapter, the terms "public highway" and "right-of-way" have the meanings given in Section 1002-2.002.

(Ords. 80-96 § 1, 75-4).

46-8.004 Vehicles.

No person shall park or place any vehicle wholly or partly within any right-of-way of any public highway in this county for the purpose of selling such vehicle, or of offering or displaying it for sale.

(Ords. 80-96 § 1, 75-4).

46-8.006 Structures or other things.

No person shall park or place any structure or any other thing wholly or partly within any right- of-way of any public highway in this county for the purpose of selling such structure or thing, or of offering or displaying it for sale.

(Ords. 80-96 § 1, 75-4).

46-8.008 Items in vehicle or structure.

No person shall park or place any vehicle or structure wholly or partly within any right-of- way of any public highway in this county for the purpose of selling, or offering or displaying for sale, anything either from or in such vehicle or structure.

(Ords. 80-96 § 1, 75-4).

46-8.010 Exemptions.

(a) Sections 46-8.004 to 46-8.008 do not apply to such rights-of-way within districts zoned as light agricultural (A-l), general agricultural (A-2), heavy agricultural (A-3), agricultural preserve (A4), or exclusive agricultural districts (A-20, A40, and A-80), when such parking, placing, offering, displaying, or selling is conducted in full compliance with all other applicable state and county laws and regulations concerning such rights-of-way.

(b) Section 46-8.008 does not apply to taking orders for, or delivering anything from a vehicle on that part of such right-of-way immediately adjacent to the buyer's premises.

(Ords. 80-96 § 1, 75-4).

Chapter 46-10 PREFERENTIAL PARKING PRIVILEGES

Article 46-10.2. General

46-10.202 Intent, purpose and authority.

This chapter sets forth procedures, pursuant to Vehicle Code Sections 22507 and 22507.2, for the establishment of permit-parking areas within the unincorporated areas of Contra Costa County in order to alleviate, in certain areas and neighborhoods, motor vehicle congestion caused by long-term parking by nonresidents of those areas and neighborhoods. In order to protect the health, safety, and welfare of residents and merchants of areas and neighborhoods affected by long-term parking and to protect and promote the integrity of these areas and neighborhoods, it is necessary to establish the procedures herein.

(Ord. 81-69 § 1: Veh. Code §§ 22507, 22507.2).

Article 46-10.4. Definitions

46-10.402 General.

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this article for the purpose of this chapter.

(Ord. 81-69 § 1).

46-10.404 Director.

"Director" is the person occupying the position of public works director or ~~his~~a deputy of the public works director.

(Ord. 81-69 § 1).

46-10.406 Permit-parking area.

"Permit-parking area" is an area with streets and boundaries, designated by board resolution, within which vehicles displaying a valid permit are exempt from parking restrictions established pursuant to this chapter.

(Ord. 81-69 § 1).

46-10.408 Parking permit.

"Parking permit" is a decal, sticker, card, or similar device to be prominently displayed on or in a vehicle and containing specific information required by Section 46-10.410, as applicable.

(Ord. 81-69 § 1).

46-10.410 Valid application.

"Valid application" is a parking permit application obtained from and filed with the public works department, with application fee, and which contains all information requested by the application, including: (a) evidence of residency within the permit parking area, and (b) evidence of vehicle ownership with the vehicle registered to the same address as the resident. Appropriate evidence includes, but is not limited to, a current vehicle registration, a current driver's license, a recent utility bill, or photocopies of these items.

(Ord. 81-69 § 1).

Article 46-10.6. Permit-parking Areas

46-10.602 General.

Any area satisfying the objective criteria established in these procedures may be considered for designation as a permit-parking area. Permit-parking areas may be designated by board resolution in which motor vehicles displaying a valid parking permit may stand or be parked without limitation as to the parking time restrictions established by that resolution. The resolution shall also state the applicable time limitation(s) and the period(s) of the day(s) of the week for its application.

(Ord. 81-69 § 1).

46-10.604 Nonresident parking problem.

An area shall be deemed eligible for consideration as a permit-parking area if the data for surveys and studies prepared at the direction of the director satisfy the objective criteria that the area is impacted by vehicles belonging to non- residents for any extended period(s) of any day(s) or night(s), on weekdays, weekends, or holidays.

(Ord. 81-69 § 1).

46-10.606 Criteria.

In determining whether an area identified as eligible for permit-parking may be designated as a permit-parking area, the following criteria shall be included in the review and consideration:

(1) The extent of the desire and need of the residents for permit-parking and their willingness to bear the costs associated therewith;

(2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period(s) proposed for parking restriction;

(3) The extent to which vehicles parking in the area during the period(s) proposed for parking restriction are vehicles belonging to nonresidents rather than residents;

(4) The extent to which motor vehicles registered to residents in the area cannot be accommodated by the number of available off-street parking spaces; and

(5) The location and number of spaces available as alternative parking locations for vehicles of nonresidents which are to be displaced in the proposed permit-parking area.

(Ord. 81-69 § 1).

Article 46-10.8. Designation Process

46-10.802 Petition.

Upon receipt of a verified petition signed by at least half of the adult residents in the area proposed for designation, and who represent at least half of the residential units in that area, the director shall undertake such surveys or studies as ~~he~~the director deems necessary to determine whether the area is eligible for permit-parking.

(Ord. 81-69 § 1).

46-10.804 Director recommends.

Based on the surveys and studies, the director shall report to the board in writing ~~his~~ the director's recommendations on (1) findings relative to the criteria deemed applicable to the area, (2) conclusions as to whether the findings justify preferential parking for that particular area, (3) proposed boundaries of the permit-parking area, and (4) availability of alternate parking spaces or areas, and (5) appropriate period(s) and day(s) of parking restriction and preference.

(Ord. 81-69 § 1).

46-10.806 Board determines.

The board may (with or without a public hearing) upon consideration of the public works report and recommendations, determine whether and what action should be taken pursuant to Section 46-8.602.

(Ord. 81-69 § 1).

46-10.808 Designation removal.

The designation process and criteria provided by this article shall also be utilized by the director and the board of supervisors in determining whether to remove the designation of an area as a permit parking area.

(Ord. 81-69 § 1).

Article 46-10.10. Resident Parking Permits

46-10.1002 General.

The director is responsible for the issuance of parking permits to residents in a permit-parking area designated in accordance with Article 46-10.6.

(Ord. 81-69 § 1).

46-10.1004 Number limit.

The director shall not issue more than four permits to any one address for residents at that address, unless the director finds more than four licensed drivers residing at one address with more than four vehicles registered to that address.

(Ord. 81-69 § 1).

46-10.1006 Issuance.

The director shall either grant or deny a parking permit within ten working days from receiving a valid application. If the permit is granted, the director shall issue it in accordance with this chapter and the permit is valid for the calendar year for which it is issued, unless a different period is established in the resolution creating the permit-parking area. If the director denies a permit, the written reasons for denial shall be provided to the applicant, in person or by mail, within the time period specified herein.

(Ord. 81-69 § 1).

46-10.1008 Fee.

The fee for a permit is ten dollars, prepaid, for the first registered vehicle and five dollars for each additional registered vehicle per applicant-location. The fee is nonrefundable; and it is nonproratable unless so provided in the resolution creating that area.

(Ord. 81-69 § 1).

46-10.1010 Display.

The permit shall be displayed as a placard on the dashboard or be otherwise visible from outside through the windshield or rear window of the vehicle, or as a decal affixed to the left rear bumper of the vehicle for which it has been issued.

(Ord. 81-69 § 1).

46-10.1012 Record.

The director shall maintain a record of the number of parking permits issued to each location, the names of permit holders, the license numbers of vehicles for which a permit has been issued, the preprinted number of the permit, and a notation of the documents checked to establish residency and vehicle ownership.

(Ord. 81-69 § 1).

46-10.1014 Permit revocation.

The director may revoke the parking permit(s) of any person known to the director to no longer be eligible for a permit(s). The director shall give written notice to the permit holder of said revocation, the reasons therefor, and that the permit shall be removed from the individual vehicle. The permit is void beginning on the seventh day after the notice is mailed or delivered, whichever is first.

(Ord. 81-69 § 1).

Article 46-10.12. Area Posting

46-10.1202 Posting.

Upon the designation of an area as a permit-parking area, the director shall have appropriate signs erected and maintained in the area.

(Ord. 81-69 § 1; see § 46-8.1602).

Article 46-10.14. Violations

46-10.1402 Violation.

(a) Parking. No person shall stand or park a motor vehicle without a current permit properly displayed, on a street within the permit-parking area for more than four hours during the effective times and days of the permit parking system.

(b) False Information. No person shall falsely represent ~~himself as~~ their eligibility~~eligible~~ for a parking permit, or shall furnish false information in an application for a permit.

(c) Wrong Vehicle. No person shall use or display, or allow the use or display of, a valid parking permit on a motor vehicle other than that for which the permit was issued.

(d) False Copy. No person shall copy, reproduce, or otherwise make a facsimile or counterfeit parking permit.

(e) False Display. No person shall knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in the permit-parking area.

(f) Other. No person shall knowingly commit any act prohibited by this chapter, or aid or abet another to do so.

(Ord. 81-69 § 1).

Article 46-10.16. Exemptions

46-10.1602 Initial ten-day grace period.

Restrictions, requirements, and prohibitions otherwise applicable hereunder shall not be operative during the first ten calendar days after the day when notice signs have been erected, as shown in the director's records.

(Ord. 81-69 § 1).

46-10.1604 Emergency vehicles.

Emergency vehicles (including but not limited to ambulances, fire engines, or police vehicles) are not restricted hereunder while controlled by a person providing service to a property in the permit-parking area.

(Ord. 81-69 § 1).

46-10.1606 Service vehicle.

Delivery, utility, or service vehicles are not restricted hereunder while controlled by a person providing service to property in the permit-parking area. The driver is responsible for identifying such vehicle as a commercial, utility, or service vehicle.

(Ord. 81-69 § 1).

46-10.1608 Disabled and handicapped.

Any vehicle identified as used by a disabled or handicapped person meeting the requirements of Vehicle Code Section 22115 and displaying the handicap plates, is not restricted hereunder.

(Ord. 81-69 § 1).

Article 46-10.18. Appeals

46-10.1802 Appeal, fee.

Any person who has been denied a permit(s) or had a permit(s) revoked by the director may appeal that decision to the board of supervisors as provided in Chapter 14-4, except that: (1) the period for filing the appeal is ten days after the director's decision has been mailed or delivered to the appellant, and (2) the appeal shall be accompanied by a ten-dollar fee.

(Ord. 81-69 § 1).

Chapter 46-12 SKATEBOARD AND TOY VEHICLE RESTRICTIONS

Article 46-12.2. Definitions

46-12.202 Generally.

Unless otherwise specially provided or required by the context, the following terms have the indicated meaning in this chapter.

(Ord. 93-54).

46-12.204 Commercial area.

"Commercial area" means any area contained within districts zoned C-B community business, N-B neighborhood business (including its planned district), R-B retail business, C general commercial, and P-1 planned unit designated commercial areas.

(Ord. 93-54).

46-12.206 Sheriff.

"Sheriff" means the Contra Costa County sheriff and includes any duly authorized deputies. The sheriff shall be responsible for administration of this chapter.

(Ord. 93-54).

46-12.208 Signposted commercial area.

"Sign-posted commercial area" is any commercial area designated by resolution of the board of supervisors as an area subject to this chapter's restrictions and within which signs are erected and maintained indicating thereon the prohibited conduct or activity.

(Ord. 93-54).

Article 46-12.4. Skateboard and Toy Vehicles

46-12.402 Prohibitions.

Within any signposted commercial area, it shall be unlawful for any person upon:

(1) A skateboard or riding upon or by means of any coaster, skateboard, toy vehicle or similar device to go up on any highway, roadway, or upon any sidewalk or paved surface located in any such commercial area.

(2) A skateboard, toy vehicle, or similar device to go upon any commercial or public structure or lot located in any such commercial area which is designed or used to accommodate the parking of motorized vehicles.

(Ord. 93-54: Veh. C. 21113(f), 21967 & 21969).

46-12.404 Posting.

Upon the designation of a signposted commercial area, appropriate signs shall be erected and maintained in the area.

(Ord. 93-54).

Chapter 46-14 PRIVATE OFF-STREET PARKING FACILITIES[3]

46-14.002 Authority and purpose.

The Board of Supervisors finds and declares that there are privately owned and maintained off-street parking facilities within the County that are generally held open for use of the public for purposes of vehicular parking. This chapter authorizes operators of privately owned and maintained off-street parking facilities to regulate unauthorized parking in those facilities.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.004 Definitions.

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

(a) "Notice of parking charge" means a written document affixed to a vehicle that notifies the vehicle driver of a parking violation charge that is due as a result of unauthorized parking in an off-street parking facility.

(b) "Off-street parking facility" means privately owned and maintained property that is held open for use by the public for parking vehicles.

(c) "Parking violation charge" means a charge imposed by a private parking operator for unauthorized parking in an off-street parking facility.

[3]Editor's note(s)—Ord. No. 2016-15, § II,adopted August 16, 2016, repealed ch. 46-14, §§ 46-14.002—46-14.018, in its entirety; and enacted a new ch. 46-14, to read as set out herein. Former ch. 46-14 pertained to similar subject matter and was derived from Ord. No. 2014-16, § II, adopted September 9, 2014.

(d) "Person" means a natural person, firm, company, corporation, partnership, or association.

(e) "Private parking operator" means a person who owns or operates, or person who acts on behalf of a person who owns or operates, an off-street parking facility.

(f) "Unauthorized parking" or "parked without authorization" means:

(1) Parking in an off-street parking facility in violation of parking restrictions established by a private parking operator and indicated by signs at the off-street parking facility;

(2) Failing to pay or failing to properly display proof of payment for parking at any pay-and-park off-street parking facility;

(3) Leaving a vehicle parked at an off-street parking facility for a period of time in excess of the amount paid for or permitted at the parking facility;

(4) Parking in a "no parking," red zone, yellow zone, loading zone, fire lane, or area not designated as a parking space at an off-street parking facility; or

(5) Blocking, impeding, or restricting another vehicle's ability to enter or exit the parking facility or a space at the facility, or otherwise obstructing the orderly flow of traffic.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.006 Parking violation charge.

(a) A private parking operator may impose a parking violation charge on an owner of a vehicle for unauthorized parking by issuing a notice of parking charge.

(b) A parking violation charge imposed by a private parking operator may not exceed fifty dollars.

(c) A late fee equal to one-half of the amount of the parking violation charge may be charged if the initial mail-in parking charge remains unpaid after twenty-one days after the date the notice of parking charge is issued and the parking violation charge has not been timely disputed in accordance with this section.

(d) If it is determined at the conclusion of an administrative hearing held in accordance with this section that a person owes a parking violation charge and the owed parking violation charge remains unpaid after twenty-one days after the administrative hearing decision, then a late fee equal to one-half of the parking violation charge may be charged.

(e) A private parking operator is not authorized to add any charges from the Department of Motor Vehicles to the charges authorized by this section.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.008 Signs.

(a) A parking violation charge may not be imposed at an off-street parking facility and a notice of parking charge may not be issued at an off-street parking facility unless signs that comply with this chapter have been posted at the off-street parking facility.

(b) Signs not less than seventeen by twenty-two inches in size with lettering not less than one-inch in height must be posted at each entrance to the off-street parking facility and must include statements to the effect that the off-street parking facility is subject to public moving vehicle laws and violators may be subject to a parking violation charge or removal.

(c) Additional signs or notices shall be posted and visible from each restricted parking space identifying any applicable parking restrictions. If different restrictions apply to parking spaces with common entrances and exits, the restrictions applicable to each space must be clearly delineated. Where a parking meter or other device requiring payment before parking is in use, any signage or notice requirements under this subsection may be satisfied by a sticker or other display on the parking meter or other device.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.010 Notices.

(a) A notice of parking charge must contain all of the following information:

(1) The words "INVOICE" followed by "PARKING CHARGE IMPOSED BY [_____]" (inserting the name, telephone number, and location of either the private parking operator or the off-street parking facility where the notice was issued) must be at the top of the notice in capital letters in at least twelve-point print.

(2) If a notice of parking charge is issued for unauthorized parking in a customer-only parking space, the listed telephone number of the business whose customers are designated to use the customer-only parking must be in the notice in at least ten-point print.

(3) The notice must state that the business or private parking operator may cancel the parking violation charge at any time for any reason.

(4) The notice must provide fair notice of the dispute resolution procedures described in Section 46-14.012.

(b) A notice of parking charge may not display any feature that resembles a County parking citation or County seal or logo. The sentence "This notice of parking charge is not issued by Contra Costa County" must be at the bottom of the notice in at least twelve-point print.

(c) A private parking operator may contract with a third party processing entity or entities to process notices of parking charges.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.012 Dispute resolution procedures.

(a) A private parking operator that issues notices of parking charges must establish a written dispute resolution policy for contested parking charges that complies with this section. A copy of the private parking operator's current policy must be filed with the Public Works Department. The private parking operator shall make its current policy available to the public upon request. The policy shall contain a provision that allows the issuer of the notice of parking charges to cancel the parking charge at any time for any reason.

(b) For a period of twenty-one calendar days after the issuance of a notice of parking charge or fourteen calendar days after the mailing of a notice of delinquent parking charge, exclusive of any days from the day the private parking operator or processing entity receives a request for a copy or facsimile of the original notice of parking charge and the day the private parking operator or processing entity complies with the request, a person may request an initial review of the notice by the private parking operator. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. If, following the initial review, the private parking operator is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the parking charge appropriate in the interest of justice, the private parking operator shall cancel the notice of parking charge or notice of delinquent parking charge. The private parking operator shall advise the processing

agency, if any, of the cancellation. The private parking operator or the processing entity shall mail the results of the initial review to the person contesting the notice. If the notice is not cancelled after the initial review, the private parking operator shall include a reason for the denial, notice of the ability to request an administrative hearing, and notice of the procedure for waiving prepayment of the parking penalty based upon an inability to pay as specified in subsection (c).

(c) If the person is dissatisfied with the result of the initial review, the person may request an administrative hearing of the parking charge no later than twenty-one calendar days after the results of the private parking operator's initial review are mailed. The request may be made by telephone, in writing, or in person. The person requesting an administrative hearing shall deposit the amount of the parking charge with the private parking operator or the processing entity. The private parking operator shall adopt a written procedure to allow a person to request an administrative hearing without payment of the parking charge upon satisfactory proof of an inability to pay the amount due. Notice of this procedure shall be provided to all persons who request an administrative hearing. An administrative hearing shall be held within ninety calendar days after the receipt of a request for an administrative hearing, excluding time tolled pursuant to this section. The person requesting the hearing may request one continuance, not to exceed twenty-one calendar days.

(d) The administrative hearing process shall include the following:

(1) The person requesting a hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the boundaries of Contra Costa County.

(2) If the person requesting the hearing is a minor, that person shall be permitted to appear at a hearing or admit responsibility for the parking charge without the necessity of the appointment of a guardian. The private parking operator or processing entity may proceed against the minor in the same manner as against an adult.

(3) The administrative hearing shall be conducted in accordance with written procedures established by the private parking operator and approved by the Public Works Department. The hearing shall provide an independent, objective, fair, and impartial review of contested parking violations.

(4) (A) To conduct the administrative hearings, the private parking operator shall contract with an independent third party or parties, not controlled by a private parking operator, that employ qualified examiners. Examiners shall demonstrate those qualifications, training and objectivity necessary to conduct a fair and impartial review. An examiner shall not be employed, managed, or controlled by a person whose primary duties are as a private parking operator or parking charge processor. The examiner shall be separate and independent from the parking charge collection or processing function. An examiner's continued employment, performance evaluation, compensation, and benefits shall not, directly or indirectly, be linked to the amount of parking charges collected by the examiner. No contract between a private parking operator and an independent third party for the use of hearing examiners may include incentives based on the number of invoices issued or the number or percent of disputed invoices adjudicated that uphold parking charges.

(B) Examiners shall have a minimum of twenty hours of training. The examiner is responsible for the costs of the training. The private parking operator may reimburse the examiner for those costs. Training may be provided through (i) an accredited college or university, (ii) a program conducted by the Commission on Peace Officer Standards and Training, (iii) the American Arbitration Association, or (iv) any program approved by the Public Works Department. Training programs may include topics relevant to the administrative hearing, including, but not limited to, applicable laws and regulations, parking enforcement procedures, due process, evaluation of evidence, hearing procedures, and effective oral and written communication. Upon the approval of the Public Works Department, up to twelve hours of relevant experience may be substituted for up to twelve hours of training. In addition, up to eight hours of training requirements described in this subparagraph may be credited to an individual, at the discretion of the Public Works

Department, based upon training programs or courses described in this subparagraph that the individual attended within the last five years.

(5) The person who issues a notice of parking charge shall not be required to participate in an administrative hearing. The private parking operator shall not be required to produce any evidence other than the notice of parking charge or copy of the notice and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation.

(6) The examiner's decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail. If the notice is not cancelled, the decision shall include a written reason for the denial.

(7) If the examiner determines that the person owes the parking charge, the examiner may allow payment of the parking charge in installments, or the private parking operator may allow for deferred payment or payment in installments, if the person provides evidence satisfactory to the examiner or the private parking operator, as the case may be, of an inability to pay the parking penalty in full.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.014 Registration.

(a) Every private parking operator that issues notices of parking charges must register with the Public Works Department before issuing any notices.

(b) The registration must include:

(1) The name, address and telephone number of the private parking operator.

(2) The Contra Costa County business license number of the private parking operator.

(3) A list of all off-street parking facilities where parking violation charges are imposed, and the restrictions that apply to each off-street parking facility.

(4) The name, address and telephone number of each contact person or persons authorized to resolve disputes for each off-street parking facility.

(5) A copy of the dispute resolution procedures required under Section 46-14.012.

(c) The registration fee will be an amount established by the Board of Supervisors in the Public Works Department's fee schedule.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.016 Unauthorized business practices.

(a) A private parking operator may not do any of the following:

(1) Immobilize a vehicle by attaching a Denver boot or any other device.

(2) Pay any employee or independent contractor a salary or fee that is in any way based on the number of notices of parking charges that are issued.

(3) Take any action or threaten to take any action to collect, or contact another person who takes or threatens to take any action to collect, an unpaid parking violation charge, other than to seek establishment of the debt in a judicial proceeding.

(4) Report or threaten to report an unpaid parking violation charge to a credit bureau or a collection agency unless a judicial proceeding has established the debt.

(b) An owner or operator of a privately owned and maintained off-street parking facility may not file with, or transmit to, the Department of Motor Vehicles a notice of parking charge for the purpose of having the Department of Motor Vehicles attempt to collect unpaid parking penalties by refusing to issue or renew a license pursuant to Vehicle Code section 12808.1 or refusing to renew the registration of a vehicle pursuant to Vehicle Code section 4760.

(c) When issuing notices of parking charges, all persons employed by a private parking operator shall wear uniforms that identify them as private parking enforcement employees. Any uniform, badge or insignia used by employees of a private parking operator must be separate and distinct in appearance from uniforms, badges and insignia worn by local law enforcement agencies and is subject to prior approval by the sheriff.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.018 Compliance.

(a) It is unlawful for any person to impose a parking violation charge or to issue or cause to be issued a notice of parking charge that is not in compliance with this chapter.

(b) A notice of parking charge that does not comply with this chapter is invalid.

(Ord. No. 2016-15, § II, 8-16-16)

46-14.020 Vehicle removal.

Notwithstanding any provision of this code or other applicable rule or regulation, a private parking operator may, without the permission of the owner or driver of a vehicle, immediately tow any vehicle parked without authorization at an off-street parking facility if:

(a) Within any applicable two-year period:

(1) The vehicle was parked without authorization at any of the private parking operator's private parking facilities located within the County a total of three or more times;

(2) The private parking operator issued a notice of parking charge with respect to that unauthorized parking; and

(3) Three or more of these charges remain unpaid; or

(b) The vehicle is parked in:

(1) A manner that blocks, impedes, or restricts another vehicle's ability of egress or ingress;

(2) A fire lane;

(3) Any manner that obstructs the orderly flow of traffic;

(4) Any area that is clearly and conspicuously designated by signs or other traffic control devices as an area in which parking is restricted or forbidden; or

(5) Any other manner that otherwise poses a hazard or threat to public safety.

(Ord. No. 2016-15, § II, 8-16-16)

Division 48 EMERGENCY MEDICAL SERVICES[4]

Chapter 48-2 GENERAL PROVISIONS

48-2.002 Title.

This division is known as the "Emergency Medical Services and Ambulance Ordinance of Contra Costa County."

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-2.004 Purposes.

The purposes of this division are as follows:

(1) Enact procedures for issuing certificates of operation and permits to regulate the operation of ambulances in Contra Costa County.

(2) Allow for the orderly and lawful operation of a local emergency medical services (EMS) system pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, Health and Safety Code section 1797 et seq.

(3) Protect the public health, safety and welfare by ensuring that ambulance services operate safely and meet established standards for equipment, staffing and mechanical reliability.

(4) Allow for adequate emergency ambulance services and non-emergency ambulance services, and medical oversight and direction of ambulance and non-ambulance prehospital personnel, in all areas of the county.

(5) Allow for the integration of all ambulance service providers into the county emergency medical system by establishing minimum medical equipment and training standards, policies, guidelines and procedures and communication systems.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-2.006 Intent and applicability.

(a) It is the intent of the board of supervisors to regulate ambulances and emergency medical services as authorized by its police power, by the State of California pursuant to Health and Safety Code sections 1443 and 1797 et seq., Welfare and Institutions Code section 17000, and Vehicle Code section 2512; and to regulate prehospital personnel.

---

[4]Editor's note(s)—Ord. No. 2022-21, §§ II, III, adopted June 20, 2022, repealed the former Div. 48, §§ 48-2.002—48-2.006, 48-4.002—48-4.024, 48-6.002—48-6.020, 48-8.002—48-8.004, 48-10.002—48-10.010, 48-12.002—48-12.006, 48-14.002—48-14.014, 48-16.002—48-16.008, 48-18.002—48-18.010, 48-20.002—48-20.006, and enacted a new Div. 48 as set out herein. The former Div. 48 pertained to ambulances and derived from Ord 83-28, § 1 (part); Ord. No. 83-3; Ord. No. 77-61; Ord. No. 70-77.

(b) It is the board's further intent in enacting this division to exercise, to the fullest extent allowed under the laws of the State of California, its discretion and authority to regulate all ground and air medical transportation service throughout the county except as specified in Section 48-2.010.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-2.008 Exemptions.

This division does not apply to or during any of the following:

(1) To vehicles operated as ambulances and to persons engaged in ambulance services where ambulance services are rendered at the request of any county communications center or at the request of any law enforcement or fire protection agency during any "state of war emergency," "state of emergency," or "local emergency," as defined in Government Code section 8558; or to ambulance services provided in response to a mutual aid request by Contra Costa County.

(2) During any period of up to 30 days, unless that period is renewed or extended, when the county health officer has determined in writing that adequate emergency ambulance service will not be available from existing ambulance service providers who hold a current certificate of operation.

(3) To an ambulance service transporting a patient through Contra Costa County or to a location within Contra Costa County when the patient transport originated outside Contra Costa County.

(4) This division does not prevent any peace officer, firefighter, or physician licensed to practice medicine in California from transporting or arranging for the transportation of an individual in need of emergency medical care when no ambulance with a certificate of operation is available and the transportation is required immediately.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-2.010 Adoption by local jurisdictions.

(a) If the ordinance codified in this division is adopted by incorporated cities or towns in the county, the provisions of Section 48-2.012 (f) shall be extended to include the streets, roads, highways, alleys, or any public or private way or place within the incorporated area of that city or town. The permit officer shall be authorized to enforce this division within that jurisdiction.

(b) The lack of adoption of all or part of this ordinance by a city or town shall not be interpreted as limiting any authority granted to the local emergency medical services agency by Division 2.5 of the Health and Safety Code and California Code of Regulations, Title 22, Division 9.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-2.012 Definitions.

For purposes of this division, the following terms have the following meanings.

(a) "9-1-1 EMS and ambulance service" means emergency medical services provided in response to calls made to a LEMSA-designated emergency medical dispatch center.

(b) "Act" means the Emergency Medical Services System and the Prehospital Medical Care Personnel Act, codified as Health and Safety Code section 1797 et seq.

(c) "Advanced emergency medical technician" or "AEMT" has the same meaning as set forth in Health and Safety Code section 1797.82.

(d) "ALS" or "advanced life support" has the same meaning as set forth in Health and Safety Code section 1797.52.

(e) "Ambulance" means any vehicle or aircraft constructed, modified, equipped, and operated to transport individuals in need of medical care, whether operated on public or private property."

(f) "Ambulance service" means the activity, business, or service, for hire, profit, or otherwise, of transporting one or more persons by ambulance on or in any of the streets, roads, highways, alleys, or any public or private way or place.

(g) "Ambulance service provider" means the person, firm, partnership, corporation or other organization that operates an ambulance in Contra Costa County.

(h) "Ambulance permit" means the permit issued by the permit officer to a specific ambulance.

(i) "Attendant" means an EMT or advanced EMT certified in California, or paramedic, physician, registered nurse or physician's assistant licensed in California, who is acting in the capacity of a required ambulance attendant, is responsible for the care of ambulance patients, and has met all license and other requirements in applicable state laws and regulations. "Attendant" may include an attendant serving as a driver.

(j) "BLS" or "basic life support" has the same meaning as set forth in Health and Safety Code section 1797.60.

(k) "Certificated ambulance" is an ambulance that is operated by an ambulance service provider who holds a valid certificate of operation.

(l) "Certificate of operation" is the written authorization issued by Contra Costa County to an ambulance service provider that has met all requirements to operate an emergency or non-emergency ambulance service in Contra Costa County.

(m) "Critical care transport" or "CCT" means a transport during which a patient requires a level of medical care and/or observation that exceeds the standard scope of practice for EMTs and paramedics and where services are rendered by registered nurses.

(n) "Dispatcher" means an individual who answers telephone or radio calls for requests for ambulance or emergency medical services.

(o) "Driver" means an individual who drives an ambulance or emergency response vehicle.

(p) "Emergency ambulance service provider" means an ambulance service that (1) contracts with the County for the provision of 9-1-1 ambulance service pursuant to Health and Safety Code section 1797.224; (2) has entered into a written agreement with the County for the provision of 9-1-1 emergency ambulance service; or (3) is otherwise authorized by the LEMSA to provide 9-1-1 emergency ambulance services in Contra Costa County.

(q) "Emergency medical technician" or "EMT" has the same meaning as set forth in Health and Safety Code section 1797.80.

(r) "Emergency response vehicle" means any privately owned ground transportation vehicle constructed, modified, equipped, or arranged and operated for the transportation of medical or first aid supplies or equipment, or medical personnel trained in emergency medical procedures or first aid, whether on public or private property.

(s) "Exclusive operating area" or "BOA" means an area or subarea defined by the current EMS plan in which the LEMSA restricts operations to one or more emergency ambulance service provider of ALS or BLS service.

(t) "Health officer" means the county health officer, or designee(s), or other official designated by the board of supervisors, to perform the health officer's functions under this division.

(u) "Inspection decal" means the physical decal issued by the permit officer attesting to the successful inspection of an ambulance with respect to its medical, communications or other equipment that may be required by law or LEMSA policy.

(v) "LALS" or "limited advanced life support" has the same meaning as set forth in Health and Safety Code section 1797.92.

(w) "LEMSA" means the Contra Costa County local emergency medical services agency

(x) "LEMSA director" means the Director of the Contra Costa County Emergency Medical Services Agency.

(y) "MCI" or "multi-casualty incident" or "multi-patient incident" means any incident that meets criteria set forth in Contra Costa County MCI Plan.

(z) "Medical director" means the full-time or part-time licensed physician and surgeon designated by the County pursuant to Health and Safety Code section 1797.202 to provide medical control and to assure medical accountability throughout the planning, implementation and evaluation of the EMS system.

(aa) "Mutual aid request" means a request for ambulances, equipment and persons fit for service received from another county within the state or from an adjoining state when the health officer of the other county or adjoining state determines that their resources are inadequate to respond to a county emergency or disaster.

(bb) "Non-emergency ambulance service provider" means an ambulance service that (1) does not contract with the County for the provision of 9-1-1 ambulance service pursuant to Health and Safety Code section 1797.224; (2) has not entered into a written agreement with the County for the provision of 9-1-1 emergency ambulance service; or (3) is not otherwise authorized by the LEMSA to provide 9-1-1 emergency ambulance services in Contra Costa County.

(cc) "Permit officer" means the health officer or their designee(s).

(dd) "Special event" means, but is not limited to, sporting events, off-road vehicle races, fundraisers, marathons, concerts, fairs, bicycle races or other physical competition, parades, festivals, stage or movie productions, contests, or other commercial or non- commercial special events occurring on a specific date and time at a specific location or that place a group or gathering of people in one general locale. "Special event" does not include conferences, symposiums or other indoor events.

(ee) "Special event medical standby services" means medical-aid or first-aid services provided or offered by persons who are employed or volunteer to provide medical aid or first aid to participants or members of the public at a special event.

(ff) "Vehicle" has the same meaning as set forth in Vehicle Code section 670.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-4 LOCAL EMERGENCY MEDICAL SERVICES AGENCY

48-4.002 Local EMS Agency (LEMSA).

The county designates the health services department as its LEMSA pursuant to Health and Safety Code sections 1797 et seq., and authorizes a basic life support, limited advanced life support and advanced life support program that provides services utilizing EMTs or paramedics or both. The county health officer is authorized to implement and administer this program.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-4.004 Ordinance administration.

(a) The LEMSA is authorized to promulgate rules, regulations, policies, procedures, training requirements, medical equipment provisions and treatment guidelines as reasonably necessary to effectuate the purpose of this ordinance and to ensure the protection of the public health, safety and welfare.

(b) Any rules, regulations, policies, procedures, training requirements, medical equipment provisions and guidelines promulgated by the LEMSA shall be codified in the LEMSA's policy and field treatment guideline manuals. These may include, but are not limited to, any of the following:

(1) Personnel requirements.

(2) Equipment requirements, including minimum equipment standards for ambulances and emergency response vehicles.

(3) Vehicle requirements.

(4) Clinical, operational and EMS dispatch standards and protocols.

(5) Clinical and operational data reports.

(6) Emergency and disaster operations.

(7) Communications systems.

(8) Any policy, procedure, or regulation that the LEMSA is authorized to promulgate under the Act.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-6 AMBULANCE SERVICE AGREEMENTS

48-6.02 Ambulance service agreements.

(a) The county shall contract, on a competitive basis, for provision of the county's 9-1-1 EMS and ambulance service in each exclusive operating area, with allowance for back-up service by other ambulance service providers as deemed necessary by the permit officer.

(b) In awarding these contracts, the county shall consider the comparative value of competing proposals, including consideration of:

(1) The quality of service to be provided;

(2) The level of service to be provided;

(3) The rates charged for services to be provided; and

(4) The cost, if any, to the county.

(5) Employment retention requirements for the employees of the incumbent ambulance service.

(6) Demonstrated experience serving similar populations and geographic areas.

(7) Diversity and equity efforts addressing the unique needs of vulnerable and underserved populations of the service area.

(8) Financial requirements, including requiring a private ambulance service provider to show proof of insurance and bonding.

(9) A description of the ambulance service provider's public information and education activities and community involvement.

(c) Fire protection districts that provide ambulance or rescue services under the authority of Health and Safety Code section 13862 may compete for, and be awarded, an ambulance service contract.

(d) A fire protection district in the county that is not required to competitively bid for a 9-1-1 EMS and ambulance service contract in an exclusive operating area is not required to obtain a certificate of operation but must otherwise comply with this ordinance.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-6.004 Compulsory ambulance service.

If, pursuant to Section 48-6.002, no proposals acceptable to the county are received for an exclusive operating area, the health officer will designate, in writing, one or more of the ambulance service providers holding a certificate of operation to provide emergency ambulance services, without necessity of an emergency certificate of operation. From the date of this written designation until a regular ambulance service agreement is executed for the affected area(s), providing emergency ambulance service shall be an express condition of the certificate of operation. Any unreasonable or unjustified refusal of an emergency call is grounds for suspension or revocation of the certificate of operation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-8 CERTIFICATES OF OPERATION AND PERMITS

48-8.002 Certificate of operation—Required.

No person, as owner, agent or otherwise, may furnish, operate, conduct, maintain, or otherwise engage in, or advertise, offer, or profess to engage in, private ambulance service within Contra Costa County unless the person holds a valid Contra Costa County certificate of operation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.004 Ambulance permit—Required.

No person may furnish or operate an ambulance within Contra Costa County unless that ambulance has been issued a valid Contra Costa County ambulance permit. Each ambulance shall clearly display a valid EMS inspection decal in the place designated by the permit officer.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.006 Emergency response vehicle permit—Required.

No person may furnish or operate an emergency response vehicle within Contra Costa County unless that emergency response vehicle has been issued a valid Contra Costa County permit. Each emergency response vehicle shall clearly display a valid EMS inspection decal in the place designated by the permit officer.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.008 California Highway Patrol report and permit—Required.

All ambulances shall carry a valid California Highway Patrol inspection report and permit authorizing use of the vehicle as an ambulance unless otherwise exempted by state or federal law.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.010 Application—Forms.

An application for a certificate of operation or ambulance permit shall be made upon forms prescribed by the permit officer.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.012 Application—Required information.

(a) An application for a certificate of operation shall be signed by the applicant and submitted to the LEMSA. An application shall show and provide the following information:

(1) The name and address of the applicant, including the names, business addresses and residence addresses of record of the applicant and registered owner(s). If the applicant is a corporation, joint venture, partnership or limited partnership, the applicant shall provide the names of all partners, corporate officers, and controlling shareholders, their permanent addresses, their percentage of participation in the business.

(2) The trade, firm or fictitious business name recorded with the county clerk, under which the applicant has engaged, currently engages, or proposes to engage in ambulance service.

(3) If the applicant is a corporation, a copy of its articles of incorporation.

(4) The type of ambulance service the applicant proposes to operate (emergency or non-emergency).

(5) The geographic area(s) where the applicant proposes to operate the ambulance service.

(6) The applicant's training and experience in the transportation and care of patients.

(7) A description of the management and supervisory structure of the applicant's business, demonstrating that the applicant has sufficient experienced personnel to provide for the oversight and supervision of staff and operations.

(8) The physical address of the applicant's base of operations and any stations to be maintained in Contra Costa County.

(9) A staffing proposal for each ambulance.

(10) An ambulance posting plan that describes the locations from which ambulances will be dispatched to provide services offered in Contra Costa County and specifies the hours of operation for each post or location.

(11) The physical address and description of the applicant's dispatch center location and a description of the applicant's policies and procedures for receiving requests and dispatching emergency and non-emergency requests for ambulance services.

(12) A description of the applicant's customer dispute resolution policies and procedures.

(13) A description of each ambulance that includes all of the following, the make, model, year of manufacture; vehicle identification number; mileage; current state license number; unit number; date the vehicle was placed in service; the length of time the vehicle has been in use; the proposed color scheme, insignia, name, monogram and other distinguishing characteristics of each respective vehicle; a description of the company's program for maintenance of the vehicle(s); a description of the vehicle's communications equipment; and a copy of the Department of Motor Vehicles registration certificate.

(14) Verification that the applicant has obtained all licenses and permits required by state and local law for the type of ambulance service proposed. An original or facsimile copy of each license and permit must be provided with the application.

(15) Verification of compliance with the National Fire Protection Association's Standard for Automotive Ambulances.

(16) The names and qualifications of each attendant and driver who will provide ambulance service within Contra Costa County.

(17) A description of the uniform to be worn by all certified or licensed personnel.

(18) The original or a facsimile copy of a valid California Highway Patrol inspection report for each ambulance listed in the application.

(19) A description of the applicant's training and orientation programs for drivers, attendants, and dispatchers.

(20) An assets and liabilities statement that is prepared and certified by a certified public accountant, demonstrating to the permit officer that, based on liquidity, profitability and sustainability, the applicant's financial status is adequate to maintain ambulance service operations for a six-month period. The applicant shall also provide the permit officer with any additional documentation requested by the permit officer to determine the applicant's financial viability, including, but not limited to financial statements for established applicants who have been in operation for more than one year. Financial statements for new applicants who have been in business for less than one year may include, but are not limited to, current profit and loss statements and a current balance sheet, both of which must be prepared by a certified public accountant.

(21) Evidence of insurance coverage as may be required by the permit officer.

(22) A signed statement of facts and supporting evidence demonstrating that the public health, safety, welfare, convenience, and necessity warrant the issuance of a certificate of operation.

(23) The service charges and the rate structure of the applicant. The applicant's service charges and rate structure must be reasonable and may not exceed any maximum charges established by the LEMSA.

(24) The applicant's legal history, including any criminal convictions or civil judgments. If the applicant is a sole proprietorship operating under a fictitious business name, or if the applicant is a partnership, the legal history of the proprietor or partners must be provided. Corporations and limited liability companies shall disclose all civil judgments or enforcement actions taken against them, as well as the legal history of the principals of the corporation or the limited liability company. "Legal history" includes arrests; pending criminal proceedings; a previously revoked ambulance license, permit or certificate of operation; and any past or current investigations by any government or administrative agency.

(25) A statement specifying whether the applicant has previously operated an ambulance company outside of Contra Costa County, and if so, under what name, type of service provided, where operated, and duration of operation.

(26) Written acknowledgment that the applicant understands and will comply with the LEMSA's minimum equipment list, policies, treatment guidelines, and other rules established for the level of service being provided.

(27) An applicant may be required to submit any additional information that the permit officer deems necessary to evaluate, review and investigate the applicant and the application for a certificate of operation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.014 Applicant—Investigation.

Within sixty days after receiving a completed application and the required fee, the permit officer will determine if:

(a) The applicant is licensed or permitted by the California Highway Patrol as an ambulance service.

(b) The applicant is able to provide the requested service.

(c) The applicant meets the requirements of this division, other applicable laws, ordinances, regulations, and the policies of the LEMSA.

(d) The applicant made any false statements in the application.

(e) The applicant failed to disclose facts pertinent to the application process.

(f) The applicant previously provided ambulance service in California or any other state.

(g) The applicant previously held or currently holds an ambulance license or permit which has or has not been renewed by the California Highway Patrol.

(h) The applicant previously held a Contra Costa County ambulance service permit or certificate of operation, and if so, whether that permit or certificate of operation was suspended or revoked, or that permit or certificate was not renewed and the applicant applied for renewal.

(i) The equipment of the applicant's vehicle, including radios, is in good working order and passes an inspection according to the provisions of Section 48-10.010.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.016 Approval or denial of application for certificate of operation.

(a) If the applicant does not meet all of the requirements to operate an emergency or non-emergency ambulance service, the application will be denied and the applicant notified in writing at the address provided on the application. The applicant will be notified of the basis for the denial.

(b) If the applicant meets all the requirements to operate an emergency or non-emergency ambulance service, the application will be approved and the applicant notified in writing at the address provided on the application.

(c) A certificate of operation will not be issued until an ambulance permit has been issued for all the applicant's ambulances.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.018 Appeal from denial of certification of operation.

(a) Except as provided in subsection (b) of this section, if the permit officer denies an application for a certificate of operation, the applicant may request a hearing on the denial. The appeal hearing will be scheduled within thirty days after the applicant's written request for hearing and will be conducted pursuant to Section 48-16.1004. The applicant will have the burden of proof as to why the certificate of operation should be approved.

(b) If an application is incomplete, the application shall be rejected and the applicant notified at the address provided on the application. The incomplete application will be returned to the applicant together with the fee paid. Notwithstanding subsection (a) of this section, if the permit officer rejects an application for a certificate of operation because the applicant failed to provide all required information, or the application was otherwise incomplete, the applicant has no right to a hearing. The applicant may resubmit a complete application together with the required application fee at any time.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.020 Term.

(a) Unless earlier suspended, revoked or terminated, a certificate of operation expires two years after the date issued, on the last day of the month of issuance.

(b) Nothing in this division shall be construed as requiring a certificate of operation to be granted when the previous certificate of operation expires.

(c) Nothing in this division shall be construed as creating any vested or property right in the renewal, extension, or continuance of any certificate of operation after it expires.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.022 Existing permit to operate.

(a) A valid permit to operate an ambulance service is valid until its stated date of expiration.

(b) An ambulance service provider holding a valid permit to operate an ambulance service will not be required to replace it with a certificate of operation until the permit to operate an ambulance service expires.

(c) Any action taken by the permit officer against a permit to operate, including, but not limited to, suspension or revocation, will proceed as if taken against a certificate of operation and as set forth in Chapter 48-16 of this code.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.024 Renewal of certificate of operation.

A certificate of operation may be renewed. To renew a certificate of operation, the applicant must meet all requirements for the issuance of an initial certificate of operation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.026 Additional ambulances.

(a) One or more additional ambulances may be added to an existing certificate of operation if the ambulance service provider:

(1) Submits a vehicle description for each additional ambulance as specified in Section 48-8.012(a)(l3);

(2) Provides the required fee per ambulance; and

(3) Schedules and successfully completes an ambulance inspection for each additional ambulance.

(b) The term of the ambulance permit for additional vehicles ends on the earlier of the expiration date of the certificate of operation, or one year from the date the vehicle permit was issued.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.028 Temporary—When issued.

The permit officer may issue a temporary certificate of operation for a period of not more than ninety days, renewable at the discretion of the permit officer. The applicant will be notified in writing of the basis for issuance of a temporary certificate of operation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.030 Application fee.

A nonrefundable application fee shall accompany every application for certificate of operation, ambulance permit, emergency response vehicle permit, or special event medical standby services permit, in an amount established by resolution of the board of supervisors.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.032 Temporary certificate of operation fee.

(a) An applicant for a temporary certificate of operation must pay a nonrefundable fee in an amount established by resolution of the board of supervisors before the permit officer issues a temporary certificate of operation.

(b) If a certificate of operation is subsequently issued to the holder of a temporary certificate of operation, the certificate of operation is deemed issued as of the date the temporary certificate of operation was issued. The ambulance service provider will be credited in the amount paid for the temporary certificate of operation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.034 Annual inspection fee.

An annual inspection fee in an amount established by resolution of the board of supervisors shall be paid by the private ambulance service provider for each ambulance in service in Contra Costa County.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.036 Re-inspections and re-inspection fees.

(a) An ambulance that failed to pass an inspection must be re-inspected before it may operate. A re-inspection fee in an amount established by resolution of the board of supervisors shall be paid before there-inspection.

(b) After a certificate of operation or permit is suspended, an ambulance must be re-inspected before it may operate. A re-inspection fee in an amount established by resolution of the board of supervisors shall be paid before the re-inspection.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.038 Reinstatement fee.

A reinstatement fee, in an amount established by resolution of the board of supervisors, shall be paid before a certificate of operation is reinstated.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.040 Payment.

The fees required by this chapter shall be paid to the county permit officer.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.042 Application—Changed information.

An applicant or ambulance service provider shall report any change to the information required by Section 48-8.012 to the permit officer within ten days after the effective date of the change, except any change in the information required by Section 48-8.012 (a) (1) or (2) or an arrest shall be reported to the permit officer immediately, and in no event later than seven days after the date of that change or arrest.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.044 Termination.

Certificates of operation are not transferable. Any change of ownership of an ambulance service provider's business terminates the certificate of operation. A new owner wishing to operate an ambulance service within Contra Costa County must apply for a certificate of operation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-8.046 Public posting of documents—Required.

(a) A certificate of operation shall be displayed conspicuously in public view in the ambulance service provider's principal place of business in Contra Costa County.

(b) A holder of a certificate of operation shall also post its fees and rate structure for ambulance transport, including the cost per mile and supplies that may be charged to patients, in a conspicuous place at its principal place of business in Contra Costa County and on the ambulance service provider's website, if any.

(c) If a holder of a certificate of operation does not have a principal place of business in Contra Costa County, the certificate holder shall conspicuously display the aforementioned documents at the ambulance service provider's headquarters and on the ambulance service provider's website, if any.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-10 VEHICLE COMPLIANCE

48-10.002 Markings.

(a) All ambulances must display, in a type and manner specified by the permit officer, all of the following:

(1) The business name of the ambulance service provider.

(2) The word "Ambulance."

(3) The level of ambulance service provided: basic life support, limited advanced life support, advanced life support or critical care transport.

(4) An ambulance that provides advanced life support may display the words "Paramedic Unit" in lieu of the words advanced life support.

(5) The phrase "FOR EMERGENCIES, CALL 9-1-l."

(b) No vehicle may display the words "Ambulance," "Medic," "Paramedic," "Emergency Medical Services," "Emergency Transport Services," "EMS" or any derivative of those terms unless the ambulance is properly permitted by the LEMSA.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-10.004 Communications equipment.

(a) All ambulances and emergency response vehicles shall be equipped with properly operating equipment that allows voice communication at all times with the county's communication center and with all other ambulance service providers in Contra Costa County.

(b) All ambulances and emergency response vehicles shall be equipped with the minimum communications equipment required by LEMSA policy or standards.

(c) All ambulances and emergency response vehicles shall be equipped with a LEMSA-approved global positioning system mapping device.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-10.006 Annual inspection.

(a) All permitted ambulances and vehicles are subject to an annual inspection by the permit officer to determine if:

(1) The ambulance or emergency response vehicle is properly maintained and ambulances are equipped for the provision of ambulance service.

(2) The description of the ambulance required by Section 48-8.012 (a)(l3) is accurate.

(3) The ambulance or emergency response vehicle contains communications devices installed pursuant to LEMSA standards and policies, and that the communications devices are in good working order.

(4) The ambulance or emergency response vehicle is in compliance with the California Highway Patrol standards with a valid inspection report on file.

(5) The ambulance or emergency response vehicle is in compliance with all local, state and federal requirements that apply to the operation of ambulances and emergency response vehicles.

(6) The ambulance or emergency response vehicle is sanitary and in good working condition and does not otherwise pose a risk to the public's health or safety.

(7) Ambulance service providers holding a current, valid ambulance permit upon adoption of this ordinance will be subject to annual inspections beginning one year from the date of issuance of their current permit or renewal of certificate of operation, whichever comes first.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-10.008 Inspection decal.

(a) An ambulance or vehicle that passes an inspection will be issued an inspection decal that expires the earlier of one year from date of issuance or on the same day that the certificate of operation expires. The date of issuance for an initial inspection decal is the date the initial inspection is successfully completed and a certificate of operation is issued. The decal must be prominently displayed on the ambulance or emergency response vehicle at all times and in the manner prescribed by the permit officer.

(b) A vehicle inspection decal may be renewed no earlier than sixty days before it expires. Notwithstanding early renewal, the new vehicle inspection decal shall not become effective until expiration of the current vehicle inspection decal.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-10.010 Intermittent inspection.

(a) An ambulance service or operator of an emergency response vehicle shall allow the permit officer to inspect any ambulance or emergency response vehicle being operated in Contra Costa County, at any time, with or without advance notice.

(b) An intermittent inspection does not supplant the required annual inspection.

(c) Notwithstanding subsection (b), the permit officer may, in ~~his or her~~the permit officer's sole discretion, waive the annual inspection if the intermittent inspection occurs within sixty days before the certificate of operation expires and the ambulance meets the requirements of this division.

(d) An ambulance service provider's failure to cooperate with an inspection will be deemed an inspection failure pursuant to Section 48-10.012.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-10.012 Inspection failure.

(a) If a vehicle fails an annual or intermittent inspection, the ambulance service provider must immediately remove the ambulance or emergency response vehicle from service until the ambulance or emergency response vehicle has been re-inspected and the permit officer has authorized its return to service.

(b) No ambulance or emergency response vehicle that has been removed from service due to an inspection failure shall transport patients or respond to calls for service.

(c) An ambulance or emergency response vehicle that has been placed out of service or is not otherwise available to respond to emergency calls shall not be driven upon a public roadway unless it displays the words "Out of Service" in at least four-inch black letters on the rear, left and right sides of the ambulance or emergency response vehicle.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-10.014 Vehicle compliance.

(a) No person may operate or cause another to operate an ambulance or emergency response vehicle if any of the following conditions exist:

(1) The vehicle does not meet the minimum requirements for operation as set forth by the California Highway Patrol or if it no longer complies with any provision of the Vehicle Code or Title 13 of the California Code of Regulations.

(2) The vehicle is not furnished with the minimum equipment required by the LEMSA.

(3) The permit officer determines that the vehicle is not in a clean, sanitary condition.

(4) The permit officer determines that the vehicle is not in a safe mechanical condition.

(b) The ambulance service provider shall immediately notify the permit officer if an ambulance or emergency response vehicle ceases to meet the minimum requirements for operation as set forth by the California Highway Patrol or if it no longer complies with any provision of the Vehicle Code or Title 13 of the California Code of Regulations.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-12 PREHOSPITAL PERSONNEL

48-12.002 Medical direction.

All EMT and paramedic personnel working in Contra Costa County shall provide patient care in accordance with the medical care policies, procedures and treatment guidelines promulgated by the LEMSA and its medical director.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-12.004 Ambulance personnel.

(a) No person may drive or act as an attendant in a certificated ambulance unless that person:

(1) Is at least eighteen years of age;

(2) Is trained and competent in the proper use of all ambulance equipment;

(3) Is certified in the State of California as an Emergency Medical Technician (EMT) or Advanced EMT (AEMT), or licensed in the State of California as a paramedic, critical care paramedic, physician, physician's assistant or registered nurse;

(4) Has successfully completed a Contra Costa County EMS system orientation; and

(5) Holds a current California driver's license, ambulance driver's certificate and a medical examiner's certificate. Personnel hired exclusively to perform patient care duties and not hired to drive an ambulance are exempt from the requirement of this subsection.

(b) The ambulance service provider shall provide the names of its exempt employees to the permit officer and shall notify the permit officer within five business days after any change to their exempt status.

(c) This subdivision shall not be construed to prevent the operation of an ambulance by a peace officer or publicly employed firefighter during an emergency when no other authorized attendant is available.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-12.006 Emergency vehicle operation course—Required.

No person may drive a certificated ambulance or privately owned emergency response vehicle unless the person has completed a LEMSA-approved emergency vehicle operation course.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-12.008 Uniform and appearance.

(a) Employers of attendants and drivers of ambulances or privately owned emergency response vehicles shall implement a dress-code policy that requires its employees to maintain a professional appearance.

(b) Attendants and drivers of ambulances or privately owned emergency response vehicles shall maintain a professional appearance in accordance with their employer's dress-code policy.

(c) Uniforms shall identify their employer or sponsoring agency, have visible identification of name and certification level, display the LEMSA-approved county patch, be neat and clean, and comply with other requirements as may be prescribed by the permit officer, except that public safety agency dress code policy shall prevail when in conflict with this subsection.

(d) Paramedic interns and EMT students shall wear a uniform that conspicuously identifies them as a paramedic intern or EMT student.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-12.010 Personnel inspections.

(a) Ambulance personnel shall carry on their person at all times while operating a certificated ambulance all of the following, which shall be current and valid:

(1) Driver license;

(2) State EMT certificate, AEMT certificate, paramedic, physician, physician's assistant or registered nurse license; and

(3) Medical examiner certificate.

(b) Ambulance personnel shall immediately present their driver license, identification, medical examiner certificate, and State EMT certificate, AEMT certificate, paramedic, physician, physician's assistant or registered nurse license upon the permit officer's request.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-14 DISPATCH

48-14.002 Dispatchers.

No person shall take or dispatch calls for the request of emergency or non-emergency ambulance service unless they have met the dispatcher training requirements established by the LEMSA.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-14.004 Dispatcher—Required.

(a) An ambulance service provider must have at least one person responsible for receiving calls and dispatching ambulances during all hours that ~~he or she~~the ambulance service provider is providing services.

(b) An ambulance service provider must have at least one person responsible for answering requests for mutual aid or responding to assist any county 9-1-1 ambulance service provider at all times.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-14.006 Dispatcher training—Required.

A certificated ambulance service provider shall ensure that all of its dispatchers complete adequate LEMSA-approved training in radio and telephone operation, LEMSA policies, and the geographical areas served before the dispatcher begins taking or dispatching calls for ambulance service.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-14.008 Electronic communication system—Required.

(a) An ambulance service provider shall subscribe to the electronic notification and messaging system designated by the LEMSA for communicating EMS system messages, major incident responses, and requests for mutual aid or ambulance availability queries. The system shall be operational and monitored in the ambulance service provider's dispatch center twenty-four hours per day, seven days per week.

(b) An ambulance service provider shall promptly respond to all messages and ambulance queries.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-14.010 Dispatching.

(a) An ambulance service provider holding a non-emergency certificate of operation that receives a call for emergency ambulance service shall immediately refer the caller to the 9-1-1 system.

(b) Emergency: An emergency ambulance service provider that receives a call for emergency ambulance service, or a non-emergency ambulance service provider that receives a request from the County's designated public safety answering point, shall immediately dispatch an ambulance to the address or place given. The ambulance dispatched shall immediately start a direct run to that address or place and shall complete that

run unless directed otherwise by the LEMSA or LEMSA designated county communications center, or unless diverted to respond to another emergency, as authorized by the LEMSA. In no circumstance shall a LEMSA designated county communications center diverge from local EMS policy when assigning, diverting, or cancelling ambulances without express written authorization by the Contra Costa County EMS Agency medical director.

(c) Non-Emergency: A non-emergency ambulance service provider, upon receiving a call for non-emergency ambulance service, shall promptly dispatch, or schedule for dispatch at a time acceptable to the caller, an ambulance to the address or place given. The ambulance shall promptly, or at the time scheduled, start a direct run to that address or place and shall complete that run unless diverted to respond to an emergency by the LEMSA or LEMSA designated county communications center. In no circumstance shall a LEMSA designated county communications center diverge from local EMS policy when assigning, diverting, or cancelling ambulances without express written authorization by the Contra Costa County EMS Agency medical director.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-16 ENFORCEMENT

Article 48-16.2 General Provisions

48-16.202 Authority—Ordinance enforcement.

(a) The permit officer is authorized to enforce this ordinance.

(b) The permit officer is authorized to investigate EMT misconduct and violations of the Act.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.204 Investigations.

During an investigation, the permit officer may accept a written statement by a county officer or employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting within the course and scope of their official duties or employment as evidence that fact(s) or condition(s) do or do not exist.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.206 Violations prohibited.

No person shall do anything forbidden by or contrary to this division or regulations issued under the division.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.208 Remedies.

Remedies under this division are in addition to any other remedy allowed by this code or applicable law.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Article 48-16.4 Inspections and Records

48-16.402 Inspections and Records.

(a) In addition to intermittent inspections of ambulances and privately owned emergency response vehicles described in Section 48-10.010, the permit officer may inspect the records, equipment, supplies and personnel of an ambulance service provider at any time.

(b) A certificated ambulance service provider and its employees shall make all records available to the permit officer, including, but not limited to, dispatch records, dispatch recordings, dispatch logs, patient care reports, electronic health records, personnel records and personnel training records.

(c) An ambulance service provider shall make its records available for inspection and copying at the ambulance service provider's regular place of business. All dispatch recordings shall remain available to the permit officer for at least ninety days after the date the recording was made.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Article 48-16.6 Suspension and Revocation

48-16.602 Authority to suspend or revoke permit and certificate of operation.

The permit officer may suspend or revoke a permit or certificate of operation for: any violation of this division; any other applicable law, regulation, or LEMSA policy; or any act related to the provision of ambulance services that jeopardizes the public's health and safety. Suspension is not a condition precedent to revocation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.604 Notice issuance.

Except in the case of an emergency action described in Section 48-16.610, before a permit is suspended or revoked, the permit officer shall give written notice to the ambulance service provider specifying the grounds for the suspension or revocation. The notice will give the ambulance service provider at least five but no more than fifteen days to correct the violation or appeal the suspension or revocation by requesting a hearing before the LEMSA director. If within fifteen days the violation is not corrected or no request for an appeal is made, the decision of the permit officer to suspend or revoke is final.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.608 Reinstatement.

Before a suspended certificate of operation or ambulance permit is reinstated, the ambulance service provider shall do all the following:

(a) Demonstrate that the cause for the suspension has been remediated and reinstatement is appropriate.

(b) Provide a plan that ensures for continued compliance.

(c) Cooperate with the permit officer by making each ambulance available for re-inspection to ensure compliance with this ordinance and LEMSA policy, including, but not limited to, compliance with minimum personnel requirements and training standards, minimum equipment requirements, vehicle cleanliness, and vehicle safety. The vehicle re-inspection fee described in Section 48-8.036 shall apply.

(d) Pay the reinstatement fee pursuant to Section 48-8.038.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.610 Emergency action—Summary suspension.

If the permit officer makes a written finding that there is a significant and immediate risk of harm to the public health, safety or welfare if an ambulance service provider continues to operate, the permit officer may immediately suspend the certificate of operation or ambulance permit without first holding a hearing and order the ambulance service provider to cease operations immediately. If a certificate of operation is suspended under this section, the ambulance service provider may make a written request for a hearing. The hearing will take place within five business days after the hearing request, unless the parties agree to an extension. Hearings will be conducted pursuant to Section 48-16.10, except that the ambulance service provider must demonstrate that the cause for the emergency suspension has been remediated and reinstatement is appropriate. The request for hearing shall not stay the suspension.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.612 Revocation.

An ambulance service provider that has had its certificate of operation revoked will not be eligible to reapply for a period of one year after the date the revocation order became final.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Article 48-16.8 Administrative Fines

48-16.802 Administrative fines—Authorization and amounts.

(a) This article provides for administrative fines that the permit officer may impose, enforce, and collect to address any violation of this division. This chapter is authorized by Government Code Section 53069.4.

(b) The amount of a fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same ordinance within one year, and five hundred dollars for each additional violation of the same ordinance within one year.

(c) Acts, omissions, or conditions in violation of this division that continue, exist, or occur on more than one day constitute separate violations and offenses on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.804 Administrative fines—Notice of violation.

(a) If this division is violated, the permit officer may serve a notice of violation on the person in violation. The notice will include all of the following information:

(1) The date of the violation.

(2) The code section(s) violated and a description of the violation.

(3) A description of how the violation can be corrected.

(4) The effective date, which is the specified time period of at least ten calendar days, beginning on the service date, within which the violation must be corrected.

(5) An advisement that the person may be subject to an administrative fine under this chapter if the violation is not corrected by the date required pursuant to subsection (4) of this section, and the amount of that fine.

(b) The permit officer may impose an administrative fine if the violation has not been corrected by the effective date specified in the notice of violation.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.806 Administrative fines—Notice of fine.

(a) An administrative fine will be assessed by means of a notice of fine.

(b) The person in violation of this division will be served with the notice of fine, which will include all of the following information:

(1) The date of the violation.

(2) The code section(s) violated and a description of the violation.

(3) The amount of the fine.

(4) An advisement of the right to appeal the imposition of the fine in a hearing before the LEMSA director.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.808 Final administrative order.

The imposition of the administrative fine becomes a final administrative order at the earlier of the following dates:

(a) On the date the notice of fine is served, if the owner fails to file a written appeal to the department within the time specified.

(b) On the date the written decision by the LEMSA director is served, if the owner files a written appeal to the department within the time specified.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.810 Payment of the fine.

The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this chapter does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.812 Collection.

If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final

administrative order. The county may collect by using any available legal means, including, but not limited to, the following:

(a) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure Section 1033.5.

(b) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure Section 680.010 et seq.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Article 48-16.10 Hearing Procedure

48-16.1002 Appeal—filing.

(a) The suspension or revocation of a certificate of operation, or the imposition of an administrative fine, may be appealed pursuant to the procedures set forth in this article.

(b) The appellant must pay an appeal fee in an amount established by the board of supervisors and submit a written appeal to the LEMSA within fifteen days after the notice was served. The written appeal must contain:

(1) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and

(2) A brief statement of the material facts that the appellant claims support ~~his or her~~the appellant's contention that no administrative fine should be imposed or that an administrative fine of a lesser amount is warranted.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.1004 Hearing.

The LEMSA director or designee hears appeals of the permit officer's decision to suspend or revoke a certificate of operation or ambulance permit, to impose an administrative fine, or to deny an application for a special event medical standby services permit. At ~~his or her~~ the LEMSA director's sole discretion, the LEMSA director may refer an appeal to the Office of Administrative Hearings.

(a) The LEMSA director or administrative law judge shall control the conduct of the hearing, including, but not limited to, making evidentiary determinations.

(b) The appellant will be given the opportunity to testify and present written or oral evidence. The permit officer may present evidence as to why the ambulance service provider's certificate of operation or ambulance permit should be suspended or revoked or why an administrative fine should be imposed, and to answer any evidence presented by the ambulance service provider.

(c) Hearings need not be conducted in accordance with the California Evidence Code. Evidence must be relevant, non-cumulative, and of such a nature as responsible persons are accustomed to rely on in the conduct of serious affairs.

(d) Hearings may be electronically recorded.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-16.1006 Decision.

After considering the testimony and evidence submitted at a hearing, or after the appellant has failed to appear at a hearing, the LEMSA director will issue a written decision. The decision is final and not subject to appeal under Chapter 14-4 of this code.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Article 48-16.12 Service of Notice or Decision

48-16.1202 Service.

All notices or decisions required to be served by this division will be served by either of the methods specified in subsections (a) and (b).

(a) By deposit in the United States mail in a sealed envelope, first class, postage prepaid, addressed to the person to be notified at the person's~~his~~ last known business or residence address appearing in the public records or in other records of the matter for which notice is given, and mailed notice shall be deemed served when duly mailed.

(b) Personal Service. Personal service is deemed complete on the date the notice or decision is personally served.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Article 48-16.14 Judicial Review

48-16.1402 Judicial review.

A final administrative order may be appealed to the superior court of the county in accordance with the applicable provisions of the California Government Code and California Code of Civil Procedure.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-18 SPECIAL EVENT MEDICAL STANDBY SERVICES

48-18.002 Purpose.

The purpose of this chapter is to ensure emergency medical services system preparedness and minimum personnel standards by establishing procedures for permitting special events when special events are conducted on public or private property within Contra Costa County. These permitting procedures authorize the permit officer to approve permits for medical standby services at special events and to require permit conditions or deny permits when necessary to protect and promote the health, safety, and welfare of the public by ensuring adequate availability of ambulances and other emergency medical service resources to the county, and by ensuring that personnel meet minimum training, certification and license requirements.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.004 Medical standby services at special events—Required.

No person, firm, partnership, corporation or other organization, either as owner, agent or otherwise, shall operate, conduct, maintain or otherwise engage in a special event where the attendance is expected or designed to exceed two thousand five hundred people, without providing a medical standby service for the special event. Events operated, conducted or maintained by a government agency are exempt from this requirement.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.006 Special event medical standby services permit—Required.

No person, firm, partnership, corporation or other organization, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain or otherwise engage in special event medical standby services within Contra Costa County, unless the person, firm, partnership, corporation or other organization holds a current special event medical standby services permit.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.008 Application form.

An application for a special event medical standby services permit must be made upon forms prescribed by the permit officer no less than thirty days before the event.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.010 Application for special event medical standby services permit—Required.

(a) An application for a special event medical standby services permit must be signed by the applicant and submitted to the LEMSA together with the required fee.

(b) An application must include all of the following information:

(1) The name and address of the applicant, including the names, business addresses and residence addresses of record of the applicant and registered owner(s).

(2) The trade, firm, or fictitious business name recorded with the county clerk, under which the applicant has engaged, currently engages, or proposes to engage in special event medical standby services.

(3) The applicant's training and experience in the provision of medical standby services and patient care.

(4) Verification that the applicant has obtained all licenses and permits required by state and local law for the type of service proposed.

(5) Evidence of insurance coverage in an amount as may be required by the permit officer.

(6) The applicant's legal history, including any criminal convictions or civil judgments. If the applicant is a sole proprietorship operating under a fictitious business name, or if the applicant is a partnership, the legal history of the proprietor or partners must be provided. Corporations and limited liability companies shall disclose all civil judgments or enforcement actions taken against them, as well as the legal history of the principals of the corporation or the limited liability company.

(7) A statement specifying whether the applicant has previously operated a medical standby service company outside of Contra Costa County, and if so, under what name, type, where operated, and duration of operation.

(8) Verification that the applicant's staff have received training in LEMSA's treatment guidelines and policies and meet the minimum required training and certification(s) required by LEMSA policy.

(9) Written acknowledgment that the applicant understands and will comply with the LEMSA's policies, treatment guidelines and other rules established for medical standby services.

(c) An application must include the following information about the special event:

(1) A description of the special event, including the title, type of event, date, time, anticipated attendance, and participants.

(2) A description of the physical location of the special event, including street names that are part of the venue and its surrounding area. If the event involves a moving route, the direction of the travel and street or lane closures must be described.

(3) The resources the applicant will have at the special event and the manner in which they will be managed and deployed.

(4) A description of the services that the applicant will provide at the special event.

(5) A description of the standby service provider's medical plan for the special event, including a communications plan, the names and certification levels of staff or volunteers (physician, registered nurse, paramedic, or EMT) and certification or license numbers. The plan must include hours of set-up and dismantling of medical aid areas.

(6) A description of the uniform to be worn by certified or licensed staff or volunteers at the special event.

(7) A description of the process used to determine the need to contact 9-1-1 for patient transport from the special event.

(8) An incident action plan for the special event.

(d) The applicant may be required to submit additional information if requested by the permit officer.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.012 Permit fee.

A nonrefundable application fee must accompany every application for a special event medical services standby permit in an amount established by board resolution.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.014 Approval or denial of application for special event medical standby services permit.

(a) If the applicant meets all the requirements to furnish, operate, conduct, maintain, or otherwise engage in medical standby services, the application will be approved and the permit issued.

(b) An application for a special event medical standby services permit may be denied for any of the following reasons:

(1) Failure to have certified, licensed and trained staff or volunteers.

(2) Failure to have adequate resources, including an adequate number of staff relative to the size of the special event.

(3) Failure to comply with LEMSA policies or treatment guidelines.

(4) Failure to have proper equipment, including communications equipment.

(5) Failure to comply with medical standby services permit conditions or requirements in the past.

(6) Any material omission or misrepresentation made by the applicant on its application.

(7) A plan or condition that creates or reasonably could create a risk to the health and safety of the attendees or staff of the special event.

(c) If an application for a special event medical standby services permit is denied, the applicant will be notified in writing of the basis for the denial. This notice will be sent to the address provided on the application.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.016 Appeal from denial of application for a special event medical standby services permit.

(a) Whenever the permit officer denies an application for special event medical standby services permit, the applicant may make a written request for hearing. The written request for hearing must be made within ten days after the denial. A hearing will be conducted pursuant to Section 48-16.1004 within twenty days after the denial.

(b) If an application is incomplete, the application will be rejected and the applicant notified at the address provided on the application. An incomplete application will be returned to the applicant together with the fee paid. Notwithstanding subsection (a) of this section, if the permit officer rejects an application for special event medical standby services permit because the applicant failed to provide all required information or payment of the required fee, the applicant has no right to a hearing. The applicant may resubmit a complete application together with the application fee at any time.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.018 Transport of patients.

No person affiliated with special event standby services may use a vehicle to transport patients at or from a special event held on public or private property unless authorized by the LEMSA as part of the special event medical services standby permit.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.020 Color scheme, logo, and uniform design.

The color scheme, logo and uniform design used to designate a special event medical service vehicle and personnel of the special event medical services provider shall not be the same or similar to the color scheme or design of a public safety agency, or other ambulance service provider.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.022 Exemption from special event permit requirement.

A person or entity holding a valid and current certificate of operation and public safety agencies are exempt from the requirements of this chapter, except that the person or entity shall notify the LEMSA ten days before providing special event medical standby services.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.024 Compliance.

Compliance with this chapter does not excuse the special event medical standby services permit holder from the requirement to comply with all other applicable laws and regulations where the event will be held.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-18.026 Mutual aid.

Upon the request of the permit officer, a special event medical standby service provider shall make its staff and equipment available to aid and assist the LEMSA or public safety agency in the event of a wide-scale emergency or disaster occurring at a special event, and if requested, shall participate in emergency planning with the LEMSA.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Chapter 48-20 MISCELLANEOUS PROVISIONS

48-20.002 General performance standards.

An ambulance service provider shall adhere to the general performance standards established by LEMSA regulation and policy.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.004 Quality management program—Required.

(a) An ambulance service holding a non-emergency ambulance service certificate of operation must establish and maintain a quality management program. The program must include all of the following:

(1) Utilize a physician, registered nurse or paramedic with experience in quality management to direct and coordinate quality improvement activities that meet the requirements of the State Emergency Medical Services Authority's Quality Improvement Program contained in the California Code of Regulations, Title 22, Division 9, except that a non-emergency ambulance service that employs registered nurses for critical care nurse transport operations shall utilize an individual who possesses no less than a registered nurse license.

(2) Meet the requirements of the LEMSA Emergency Medical Services Quality Improvement Plan program (EMSQIP).

(3) Identify problems or issues regarding patient care, propose solutions for corrective action, and facilitate implementation of those solutions.

(4) Provide for the systematic and comprehensive review of clinical care provided to patients.

(5) Maintain a radio recording of all calls for ambulance services requested, all dispatch instructions given, and all communications between the dispatch center and the ambulance unit until the ambulance run is completed. All radio recordings must be kept at least one hundred-eighty days after being recorded.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.006 Critical care transport nurse unit.

Ambulance service providers that provide medical transportation with critical care transport nurses shall comply with all of the requirements for non-emergency ambulances as set forth in this division and by LEMSA regulation and policy, including the requirement that registered nurses attend an EMS system orientation. Failure to do so may result in the suspension or revocation of the provider's certificate of operation, the imposition of administrative fines, or other enforcement action allowed by this code.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.008 Physician medical director for CCT transport nurse units—Required.

(a) An ambulance service provider that provides medical transportation with critical care transport nurses shall have a physician medical director who oversees the critical care nurse transport program and establishes clinical standards, policies and standing orders for registered nurses who provide critical care transport.

(b) Nothing in this division shall be construed as regulating the clinical care provided by critical care transport nurses.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.010 Critical care transport nurse training—Required.

Critical care transport nurses shall be trained to the same standard as emergency medical technicians and paramedics, as required by the LEMSA's policies and as required by this division, including training in LEMSA's quality assurance and quality improvement processes.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.012 Unauthorized response.

No ambulance service provider shall cause or allow any ambulance to respond to a location without first receiving a specific request for the service at that location.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.014 Personal protective equipment.

An ambulance service provider shall supply and maintain standardized and properly fitted personal protective equipment and supplies to ensure safety and readiness according to Cal/OSHA regulations.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.016 Responsible advertising.

(a) No ambulance service provider shall display on any ambulance or emergency response vehicle, or otherwise announce, advertise, offer, publish or claim, that it provides either emergency or non-emergency ambulance service unless it possesses a current, valid certificate of operation for the service.

(b) No ambulance service provider under this division shall display on any ambulance or emergency response vehicle, or otherwise advertise, offer, publish or claim, that it provides paramedic service or ALS service, unless it provides the service twenty-four hours per day.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.018 Enforcement of judgment—Reporting required.

(a) An ambulance service provider shall provide LEMSA with information regarding any unpaid judgments or liens against the ambulance service provider, and notice of the transactions or acts giving rise to the judgment(s) or lien(s).

(b) The ambulance service provider shall notify the LEMSA in writing within forty-eight hours after the notice of any levy or other action taken by a creditor to enforce a judgment or lien so that the permit officer may make a determination regarding the effect the enforcement action may have on the ambulance service provider's ability to provide continuous service in accordance with this division.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.020 Non-emergency ambulance EMS system support.

(a) A non-emergency ambulance service provider holding a valid certificate of operation shall, at the request and direction of the permit officer, provide mutual aid ambulance services or assist with disaster, multi-patient, or mass casualty incidents within the county.

(b) If a non-emergency ambulance service provider holding a valid certificate of operation is requested to provide mutual aid ambulance services or assist with disaster, multi-patient, or mass casualty incidents, the non-emergency ambulance service provider shall make available, and place into service, all available permitted ambulances without delay.

(c) A non-emergency ambulance service provider shall file its disaster response plan annually with the LEMSA for approval. This plan must comply with LEMSA's disaster response plan policy, including a personnel call-back plan to facilitate staffing of ambulance vehicles in the event the ambulance service provider is requested to provide mutual aid ambulance services or assist with a disaster or a mass casualty incident within the county.

(d) A non-emergency ambulance service provider shall participate in at least one in-county LEMSA-approved multi-agency disaster exercise each year by sending at least one fully-staffed ambulance to each organized event. All costs associated with participating in the disaster exercise are the sole responsibility of the ambulance service provider.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.022 Compliance with multi-casualty incident (MCI) plan.

All management, attendants and drivers of an ambulance service provider shall follow the county's multi-casualty incident plan and the LEMSA policies concerning multi-patient events.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.024 Transport of cadavers—Prohibited.

No person shall transport a cadaver by ambulance or privately owned emergency response vehicle.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

48-20.026 Security of ambulance vehicles.

No person shall leave an ambulance unlocked or otherwise unsecured when it is not occupied, or actively involved or participating in an emergency response.

(Ord. No. 2022-21, §§ II, III, 6-21-22).

Division 410 VESSELS AND WATER SAFETY

Chapter 410-2 GENERAL PROVISIONS

410-2.002 Applicability.

Subject to federal and state statutes and regulations, this division applies to and governs all public waters in this county, including lakes and rivers or portions of them, over which this county has police power jurisdiction exclusively and/or concurrently with the United States and/or the state of California.

(Ord. 69-50 § 1 (part), 1969).

410-2.004 Definitions.

Unless the context otherwise requires, the words and phrases used in this division have the meanings given them in Chapter 5 of Division 3 (Section 650 et seq.) of the California Harbors and Navigation Code. The following words have the following meanings for purposes of this division:

(a) "Floating home" or "floating structure" means a structure that has the following characteristics:

(1) It is a stationary structure in, on, or above the water that is:

(A) Permanently grounded; or

(B) Supported by a flotation system and held in place by piling or mooring devices; or

(C) Placed on or otherwise affixed to a foundation, dock, piling, walkway, gangway, pier, barge or other permanent structure.

(2) It is incapable of being used for self-propelled navigation.

(3) It is designed and built to be used, or is modified to be used, or is used, to serve purposes or provide services typically associated with a structure on or other improvement to real property. The term "floating home" or "floating structure" includes a structure that is used as a residence, place of business or office with public access, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, or similar facility or structure represented as such.

Incidental or limited movement of a structure upon water or resting partially or entirely on the bottom does not preclude the structure from being classified as a floating home or floating structure for purposes of this ordinance code. Registration of a structure as a vessel with the California Department of Motor Vehicles does not preclude the structure from being classified as a floating home or floating structure for purposes of this ordinance code. A houseboat or liveaboard that is permanently moored or grounded and is incapable of self-propelled navigation is a floating home for purposes of this ordinance code. Floating homes and floating structures are expressly excluded from the definition of the term "vessel" provided in this section.

(b) "Garbage" has the meaning set forth in Health and Safety Code Section 117475.

(c) "Houseboat" means a liveaboard that has either a pontoon or flat-bottomed hull configuration, and has a permanent enclosed superstructure with sleeping and cooking facilities.

(d) "Liveaboard" means any vessel, supported by means of flotation and capable of being used for self-propelled navigation, that is used or designed to be used or fitted out to be used for human habitation.

(e) "Moor" means to make fast, tie up or otherwise secure a vessel other than by anchoring. "Moor" includes to attach to a dock, pilings, walkway, gangway, pier, or other structure, or to tie up to any natural object or feature.

(f) "Sewage" has the meaning set forth in Harbors and Navigation Code Section 775.5(d).

(g) "Shore" means that part of the land in immediate contact with a waterway, including the area between high-tide and low-tide marks or between high-water and low-water marks.

(h) "To anchor" means to secure a vessel within a waterway by dropping an anchor, anchors or other ground tackle to the bottom of the waterway.

(i) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, except: a seaplane on the water; or, a watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled. A "vessel" includes a barge, a dredge, a towboat and its tow, a houseboat and a liveaboard.

(j) "Waterway" means any water, lake, river, creek, canal, lagoon, bay, inlet, slough, channel, or tributary situated within the county, or any water area situated within the county providing access for vessels from one place to another.

(Ord. 2005-02 § 3).

410-2.006 Prohibitions.

(a) No person owning, possessing, or in charge of any vessel shall permit the vessel to be operated or located in violation of this division.

(b) All houseboats and liveaboards are subject to all applicable provisions of this division and to all other applicable provisions of this ordinance code and state and federal law.

(c) A floating home or floating structure is not allowed at any location in the county unless it meets all applicable zoning, building, health, sanitation, and other applicable provisions of this ordinance code, and meets all applicable provisions of state and federal law.

(Ords. 2005-02 § 4, 69-50 § 1 (part), 1969).

410-2.008 Establishment of marked areas.

The board of supervisors by resolution as to waters under its jurisdiction, and/or the authorized representative of any other public agency as to water under its jurisdiction, may designate and cause to be appropriately marked boat launching areas, areas designed exclusively for swimming, areas where swimming is prohibited, areas where boats are prohibited, areas of restricted speed or "slow areas," and other boating and personnel control signs and devices, and may change these designations from time to time as the public safety and welfare may require. No person shall fail to comply with these designations when so marked.

(Ord. 69-50 § 1 (part), 1969).

410-2.010 Water shows and boat races exempt.

This division does not prohibit or restrict the operation of any vessel, aquaplane, or water skier actually participating in a water show, race or regatta, previously authorized in writing and actively supervised by a public agency or its duly authorized agent having jurisdiction over the waters involved.

(Ord. 69-50 § 1 (part), 1969).

410-2.012 Enforcement.

(a) The county may enforce this division by any remedy allowed under this ordinance code or any other remedy allowed by law, except that violations of state or federal law incorporated into this division shall be enforced as provided for under the applicable law.

(b) The sheriff is authorized to enforce this division.

(c) Whenever this chapter grants a power to the sheriff, the power may be exercised by a deputy of the sheriff or by a person authorized by law, unless otherwise provided.

(d) All notices and decisions issued by the sheriff pursuant to this division will be transmitted to the registered vessel owner by first class mail and by posting at a conspicuous place on the vessel, or by personal service by the sheriff.

(Ord. 2005-02 § 5).

410-2.014 Vessel removal.

(a) If the sheriff determines a vessel is moored or anchored in violation of this division, the sheriff may issue a notice to remove. The notice will provide a date by which the vessel's owner must remove the vessel from the waterway.

(b) If the vessel's owner does not remove the vessel or cause the vessel to be removed after receiving a notice to remove, the sheriff may remove and store the vessel. The vessel may be redeemed upon proof of ownership and payment of all costs incident to recovery, movement, impounding, and storage or may be disposed of in accordance with Section 410-2.016 of this code.

(Ord. 2005-02 § 6).

410-2.016 Vessel disposition.

(a) A vessel removed and stored by the sheriff may be disposed of in accordance with the provisions of Article 4 of Chapter 2 of Division 3 of the Harbors and Navigation Code (Boaters Lien Law). The owner of the vessel will be civilly liable to the county for all costs, fees, damages and expenses incurred by the county in removing, storing and selling the vessel. These costs are a lien upon the vessel and the proceeds of the sale.

(b) Wrecked and abandoned vessels are subject to disposal in accordance with Chapter 3 of Division 3 of the Harbors and Navigation Code.

(Ord. 2005-02 § 7).

410-2.018 Charges.

Charges imposed by the county for services under this division, including the recovery, movement, impounding, and storage of vessels, will be in accordance with the sheriffs department fee schedule adopted by the board of supervisors.

(Ord. 2005-02 § 8).

Chapter 410-4 SPEED ZONES

410-4.002 Speed designated.

The areas designated in this chapter and in Harbors and Navigation Code Section 655.2 are speed zones. No person shall operate any vessel, or permit it to be operated, in a speed zone at a speed in excess of five miles per hour.

(Ords. 2005-02 § 9, 69-50 § 1 (part), 1969).

410-4.004 Wakes.

No person shall operate any vessel, or permit it to be operated, in a speed zone in such a manner that the vessel's speed creates a wake that causes or raises a white crest from the moving vessel.

(Ords. 2005-02 § 9).

410-4.006 Slow area.

Any area designated as a "slow area" by resolution of the board of supervisors is a speed zone.

(Ords. 2005-02 § 9, 69-50 § 1 (part), 1969).

410-4.008 Near vessels sixteen feet or under.

The area within one hundred feet of any vessel sixteen feet in length or smaller, except for a personal watercraft, that is likely to be endangered by the wake of a passing vessel, is a speed zone.

(Ords. 2005-02 § 9, 69-50 § 1 (part), 1969).

410-4.010 Near swimming floats.

The area within two hundred feet of any swimming float or diving platform, except special floats used for water skiing, is a speed zone. Special skiing floats shall be clearly marked and permits issued for their establishment, and the area of their use shall be designated by the board of supervisors.

(Ords. 2005-02 § 9, 69-50 § 1 (part), 1969).

Chapter 410-6 RESTRICTIONS

410-6.002 Where swimming is prohibited.

No person shall swim in any area designated as a "no swimming" area, or outside the boundaries of a marked swimming area, or in a location or in a manner likely to create a condition hazardous to themself~~himself~~ or to any other person or object.

(Ord. 69-50 § 1 (part), 1969).

410-6.004 Near marked swimming areas.

No person shall operate any vessel, or ride, pull or tow any aquaplane or water skis, within any designated swimming area or within twenty feet of the exterior boundaries thereof.

(Ord. 69-50 § 1 (part), 1969).

410-6.006 Near dam or in "no boating" areas.

No person shall operate any vessel within five hundred feet of any dam owned or operated by a public agency, or within any area designated as a "no boating" area by the appropriate regulatory agency, where signs have been erected giving notice of the prohibition.

(Ord. 69-50 § 1 (part), 1969).

410-6.008 Motorboats on small lakes.

No person shall operate a motorboat on a lake containing less than three hundred surface acres where signs have been erected at intervals of not over one-quarter mile around the lake giving notice of the prohibition.

(Ord. 69-50 § 1 (part), 1969).

410-6.012 Discharge of firearms.

No person shall shoot any firearm, or gun operated by spring or compressed gas, from any vessel or across or over any portion of any navigable body of water; but this does not prohibit the otherwise lawful shooting of a shotgun to kill waterfowl.

(Ord. 69-50 § 1 (part), 1969).

410-6.014 Night aquaplaning and water skiing.

No person shall operate a vessel, vehicle or other motive power which is pulling or towing any aquaplane or water skier, nor shall any person ride any aquaplane or water skis, between sunset and the following sunrise.

(Ord. 69-50 § 1 (part), 1969).

410-6.016 Operation of vessel by passengers.

No person shall operate, or permit the operation of, any vessel while anyone is anywhere thereon not designed or intended for use by passengers, nor shall anyone ride in such a manner.

(Ord. 69-50 § 1 (part), 1969).

410-6.018 Sanitation and pollution.

A person shall not do any of the following:

(a) Place, deposit or dump any garbage on or adjacent to the bulkheads, docks, piers, gangways, or wharves of any waterway where the material is likely to be washed or otherwise deposited into a waterway by tides, floods, storms, waves or accidental displacement.

(b) Cause any mooring line, water hose, electrical cable or other service line to extend across a dock, pier, or gangway so as to create a hazardous condition that could cause accident or injury; or cause any obstacles such as ladders, tools, canvas, vessels, boat gear, or other materials or equipment to obstruct free passage along any dock, pier or gangway; or create any other hazardous condition on a dock, pier or gangway that could cause accident or injury.

(c) Leave or store on any dock, pier, gangway, or wharf of a waterway any empty tanks or containers previously used for flammable or combustible liquids, unless free from explosive vapors, except that empty safety containers may be kept in storage.

(d) Violate any of the following sanitation and pollution statutes: Fish and Game Code Section 5650; Fish and Game Code Section 5652; Harbors and Navigation Code Section 131; Harbors and Navigation Code Section 133; Harbors and Navigation Code Section 780; Health and Safety Code Section 5411.5; Health and Safety Code Section 117480; Health and Safety Code Section 117515; or any other sanitation or pollution statute.

(Ord. 2005-02 § 10).

410-6.020 Sunken vessels.

(a) Whenever a vessel is sunk in a waterway, the owner must mark the vessel immediately with a buoy or daymark during the day and with a light at night, in accordance with Title 33 Code of Federal Regulations, Part 64. The markings must be maintained until the sunken vessel or obstruction is removed. Removal of the vessel must commence immediately and be completed in a timely manner. The owner must immediately notify the sheriff of the sunken vessel and provide all other notifications required by law.

(b) A vessel that is not properly marked, or a vessel where removal does not commence immediately and is not completed in a timely manner, is subject to removal, storage, and disposal in accordance with Section 410-2.014.

(Ord. 2005-02 § 11).

410-6.022 Waterskiing prohibited.

(a) No person shall operate any vessel that is pulling or towing water skis, an aquaplane, or a similar device, nor shall any person ride water skis, an aquaplane, or a similar device, in any of the special use areas designated in subsection (b) of this section. This prohibition is in effect on the following days:

(1) Every Saturday and Sunday from the Saturday before Memorial Day through the Sunday before Labor Day.

(2) Every Memorial Day, July 4th, and Labor Day.

(b) The following waterways are designated as special use areas:

(1) That portion of Indian Slough between the Discovery Bay Marina Channel on the east and the intersection of Werner Dredger Cut and Kellogg Creek on the west.

(2) That portion of Werner Dredger Cut between the Orwood Road bridge on the north and the intersection of Indian Slough and Kellogg Creek on the south.

(c) The sheriff is authorized to place regulatory markers giving notice of the restrictions specified in subsection (a) at the boundaries of the special use areas designated in subsection (b).

(Ord. 2007-22 § 2).

Chapter 410-8 MOORING REGULATIONS

410-8.002 General restriction.

Except as otherwise permitted by this chapter, no vessel shall be moored, anchored, grounded, placed or otherwise located in any waterway for a period exceeding ninety-six hours.

(Ord. 2005-02 § 12).

410-8.004 Mooring locations.

A vessel, other than a houseboat or liveaboard, may be moored at the following locations to the extent permitted by law:

(a) A permitted dock;

(b) A permitted marina, provided the vessel is moored in compliance with all applicable permit conditions imposed on the marina.

(Ord. 2005-02 § 12).

410-8.006 Houseboats and liveaboards.

(a) A houseboat or liveaboard may be moored in a permitted marina if all of the following requirements are met:

(1) The houseboat or liveaboard is equipped with one of the following:

(A) An operable coast guard certified marine sanitation device;

(B) A self-contained portable toilet or other on-board portable sewage reception system that prevents the overboard discharge of treated or untreated excrement, sewage or other waste matter or contaminant of any kind;

(C) A legal connection to a permitted public sewer system.

(2) The houseboat or liveaboard is capable of self-propelled navigation.

(3) The houseboat or liveaboard is moored in compliance with all applicable permit conditions imposed on the marina.

(4) The houseboat or liveaboard is moored in compliance with all applicable state and federal laws.

(b) A houseboat or liveaboard may be moored at a permitted dock to the extent permitted by law if all of the following requirements are met:

(1) The houseboat or liveaboard is equipped with one of the following:

(A) An operable coast guard certified marine sanitation device;

(B) A self-contained portable toilet or other on-board portable sewage reception system that prevents the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind.

(2) The houseboat or liveaboard is capable of self-propelled navigation.

(3) The houseboat or liveaboard does not obstruct navigation.

(4) The houseboat or liveaboard is moored in compliance with all applicable state and federal laws.

(c) A houseboat or liveaboard may be anchored in a waterway for up to thirty consecutive days if all of the following requirements are met:

(1) The houseboat or liveaboard is equipped with one of the following:

(A) An operable coast guard certified marine sanitation device;

(B) A self-contained portable toilet or other on-board portable sewage reception system that prevents the overboard discharge of treated or untreated excrement, sewage, or other waste matter or contaminant of any kind.

(2) The houseboat or liveaboard is capable of self-propelled navigation.

(3) The houseboat or liveaboard does not obstruct navigation.

(4) The houseboat or liveaboard is moored in compliance with all applicable state and federal laws.

(Ord. 2005-02 § 12).

410-8.008 Property owners.

No person shall cause or allow a vessel to be moored to ~~his or her~~the person's property in violation of this chapter.

(Ord. 2005-02 § 12).

410-8.010 Services.

No person shall furnish or supply electrical service, natural gas or fresh water, or provide a sewer connection, to any vessel moored in violation of this chapter.

(Ord. 2005-02 § 12).

410-8.012 Equipment.

(a) Any vessel moored or anchored shall be moored or anchored in such a manner to prevent breakaway resulting in sanitation damage or pollution.

(b) Mooring lines at docks and marinas shall be installed in a manner that will maintain a moored vessel within its berth and prevent the vessel from posing a safety hazard to the berth or to adjoining vessels.

(Ord. 2005-02 § 12).

410-8.014 Lights.

Any vessel anchored or moored between sunset and sunrise shall display lights as prescribed by federal and state laws, rules and regulations regarding anchor lights in inland waters.

(Ord. 2005-02 § 12).

410-8.016 Buoys.

No vessel may be moored at a buoy in violation of Harbors and Navigation Code Section 307 or Harbors and Navigation Code Section 308.

(Ord. 2005-02 § 12).

Division 413 PUBLIC HEALTH LICENSES AND FEES

Chapter 413-3 ENVIRONMENTAL HEALTH PERMITS AND FEES

Article 413-3.2. General Provisions

413-3.204 Purpose and authority.

Pursuant to Health and Safety Code Section 101325, the board determines:

(1) That the expenses of the health officer, in the enforcement of statutes, orders, quarantines, embargoes, rules and regulations, prescribed by state officers and departments relating to public health, are not met by any fees prescribed by the state; and

(2) That the fees prescribed herein will help pay the health officer's reasonable expenses incurred in such enforcement.

(Ords. 2002-48 § 3, 93-58 § 2, 74-1 § 1 (part), 1974: see also Health & Saf. Code § 4010.8).

413-3.206 Area of application.

Permits required by this chapter shall be required of every activity described herein, within the unincorporated area of the county and within any city in which the county health officer enforces any state statute, order, quarantine, rule or regulation relating to public health.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.208 California Uniform Retail Food Facilities Law implemented.

Environmental health permits for food facilities shall serve as valid permits to operate as provided in Section 113920 of the California Health and Safety Code. To the extent that the fees imposed pursuant to Chapter 413-3 are fees authorized under Section 113920 of the California Health and Safety Code, these fees are hereby imposed pursuant to Section 113920.

(Ords. 2002-48 § 4, 93-58 § 2, 85-27 § 1).

Article 413-3.4. Definitions

413-3.402 General.

(a) Unless otherwise specifically provided, or required by the context, the following terms have the following meanings in this chapter.

(b) Terms not defined herein but defined in the California Health and Safety Code have the meanings given in that code.

(Ords. 93-58 § 2, 74-1 (part), 1974).

413-3.404 Activity.

"Activity" means every business, occupation, operation, activity, machine, vehicle or object engaged in or used for the purposes and subjects regulated herein.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.406 Area of application.

"Area of application" means the geographical area described in Section 413-3.206.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.408 Health officer.

"Health officer" means the county (city) health officer and the health officer's~~his~~ duly authorized deputies and subordinates.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.410 Incidental retail food market.

"Incidental retail food market" means activity incidental to a main nonfood business operation (e.g. department, drug, variety, and bait stores), for the sale of candy, gum, peanuts, chips, or similar confectionery, and non-potentially hazardous food and beverages, with either (1) less than one hundred square feet of floor space (including aisles and walk areas) devoted to the incidental activity, or (2) less than six hundred dollars retail value of food in stock.

(Ords. 93-58 § 2, 74-79 § 1).

413-3.412 Permit year.

"Permit year" for retail food vehicles, mobile food preparation units, septic tank-chemical toilet cleaner vehicles, and vending machines, means January 1st through December 31st. "Permit year" for all other activities means March 1st through February 28th (29th).

(Ords. 2002-48 § 5, 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.414 Retail food vehicle.

"Retail food vehicle" means any vehicle designed or used or intended to be used by or for any one or more of the following persons and/or uses: bakery distributor, fish peddler, food salvage distributor, fruit and/or vegetable distributor, grocery distributor, industrial catering, mobile food preparation unit, and temporary food facility. It includes any vehicle from which animal food, bakery products, fish, shellfish, seafood, fruits, vegetables, meats, poultry, preserves, jelly, relish, milk or any other dairy products, food or food products, ice or beverages, whether in bulk, canned, wrapped, bottled, packaged, or any other form, are sold or kept for sale at retail, or are distributed to the consumer.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.416 Small water system.

"Small water system" means a utility system which furnishes water for domestic purposes to from two through one hundred ninety-nine service connections inclusive and includes "Public Water System" as defined in California Health and Safety Code Section 116275 and its applicable regulations under Title 22 of the California Code of Regulations.

(Ords. 2002-48 § 6, 93-58 § 2, 81-56 § 2, 74-79 § 2: H. & S.C. §§ 4010 ff).

413-3.418 Vending machine business.

"Vending machine business" means the activity of selling food or drink by vending machine(s), regardless of the number of machines or locations.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.420 Septic tank-chemical toilet cleaner.

"Septic tank-chemical toilet cleaner" means a person engaged in the business of cleaning septic tanks, individual sewage systems, holding tanks, pit privy, cesspools or seepage pits, or of providing or cleaning chemical toilets.

(Ords. 93-58 § 2, 78-43 § 1).

Article 413-3.6. Permit Requirements

413-3.602 Environmental health permit required.

No person shall conduct, operate or engage in any activity or object listed in Section 413-3.604, within the area of application, without having a valid, unrevoked, unsuspended environmental health permit therefor.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.604 Activities requiring permits.

An environmental health permit is required for all of the following: food establishments, vending machine businesses, taverns, cocktail lounges, bars, snack bars, commissaries, cart commissaries, food catering, special events food booths, school cafeterias, itinerant food facilities, retail food markets, roadside food stands, food salvagers, retail food vehicles, mobile food preparation units, bakeries, incidental retail food markets, certified farmers' markets, septic tank-chemical toilet cleaners, public swimming pools and/or spas, small water systems, wiping rag businesses, and medical waste generators.

(Ord. 2002-48 § 7, 93-58 § 2, Ords. 89-56 § 3, 85-28 § 2, 84-37 § 2, 78-43 § 1, 74-79 § 3, 74-1).

413-3.606 Other permits and requirements.

Permits required by this chapter are in addition to any other license or permit required within the area of application, and do not exempt any person, operation or premises from sanitary requirements enforced by the health officer.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.608 Term.

Permits shall be effective for not more than one year. No permit for retail food vehicles, mobile food preparation units, septic tank-chemical toilet cleaner vehicles, or vending machines is valid after midnight on December 31st of the year it is effective. No other permit is valid after midnight on February 28th (29th) after its effective date.

(Ords. 2002-48 § 8, 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.610 Separate activities.

If a person engages in, conducts, manages or carries on more than one activity or object requiring a permit, each such activity or object shall be considered as separate and distinct from the other(s), whether located on the same premises or not.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.612 Permit-to-operate display.

(a) Exhibition on Request. Every person required to have a permit hereunder shall show it to the health officer upon request.

(b) Fixed Place of Business. Every person with a fixed location for a permitted activity shall keep the permit conspicuously posted therein.

(c) Temporary Food Facility and Vehicle. Every person without a fixed place for a permitted activity shall carry the permit ~~with him~~ at all times while so engaged; and the operator of every retail food vehicle shall keep its permit in the vehicle while it is so used.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.614 Vending machine operators.

(a) Identification Plate. Each food or drink vending machine shall have conspicuously affixed thereon a durable identification plate, setting forth its model number or symbol and its individual identifying serial number.

(b) Identification Decal. Each such machine shall have similarly affixed a decal or other identification, furnished by the health officer, indicating that the required environmental health permit fee has been paid for the current permit year.

(c) List of Machines. The operator of a food or drink vending machine activity shall maintain in its principal place of business a current record or list by serial number of every such machine and its location within the area of application.

(d) Annual Report. On or before November 1st of each year, the operator of a food or drink vending machine activity shall give the health officer a list of the addresses where the machines for which the operator intends to obtain permits for the following permit year, are located.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.616 Penalties.

Any person violating any provision of this chapter or who fails to obtain and retain at all times while conducting business, a valid, unrevoked, unsuspended environmental health permit, shall pay triple the applicable fee as a penalty. This penalty is in addition to other fees, penalties, and enforcement procedures.

(Ords. 93-58 § 2).

Article 413-3.8. Issuance of Permits

413-3.802 Application.

Every person owning, conducting or operating any activity for which a permit is required hereunder shall apply for a permit to the health officer, on a form provided by the health officer, and pay the appropriate application fee. If the health officer approves the application, the applicant will be notified in writing. The health officer shall issue an environmental health permit when all applicable requirements have been met. Temporary permits are governed by Sections 413-3.814 and 413-3.1222.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.804 Permit content.

Every environmental health permit shall contain at least the following information:

(1) Name and address of the permittee;

(2) Nature and location of the permitted activity or object;

(3) If issued for a retail food vehicle, mobile food preparation unit or septic tank-chemical toilet cleaner vehicle, the vehicle identification number and license number;

(4) Date of issuance, and statement of its period of validity or of its invalidity after February 28th (29th) or other specified date;

(5) Statement that it is not transferable between persons, vehicles, objects or places; and

(6) Statement that it is conditioned on compliance with all applicable laws and regulations.

(Ords. 2002-48 § 9, 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.806 Additional identification.

When it is deemed necessary, the health officer will issue with any permit, further identification in the form of a decal or gummed sticker to be conspicuously displayed. Decals issued for retail food vehicles shall be affixed on the left rear panel of the appropriate vehicle.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.808 Renewal of permits.

(a) Issuance.

(1) Vending Machines. On or before every November 30th, the health officer may send to each person who obtained an environmental health permit for a vending machine during the permit year, a bill (invoice) for the appropriate permit fee for the following year.

(2) Retail Food Vehicles, Mobile Food Preparation Units, and Septic Tank-Chemical Toilet Cleaner Vehicles. On or before every November 30th, the health officer may send to each person who obtained an environmental health permit for a retail food vehicle or mobile food preparation unit or septic tank-chemical toiler cleaner vehicle during the permit year, a notice of inspection of the retail food vehicle or mobile food preparation unit or septic tank-chemical toilet cleaner and a bill (invoice) for the appropriate permit fee for the following year. No permit for a retail food vehicle or mobile food preparation unit or septic tank-chemical toilet cleaner will be issued or renewed unless and until the vehicle is presented to the health officer, or the health officer's~~his~~ designee, for inspection.

(3) All Other Activities. On or before every January 31st, the health officer may send to each person who obtained an environmental health permit during the permit year, a bill (invoice) for the appropriate permit fee for the following year. The permittee will be mailed or provided with a fee-receipted permit when the fee is paid and all necessary inspections are passed.

(b) Effective Date and Display. No permit is valid or issuable unless and until the required permit fee, together with any penalties, is received by the health officer or postmarked before the effective (delinquency) date

and all required inspections are passed. The permittee shall display the fee-receipted permit or shall make it available upon demand in the case of objects and machines.

(c) Reports on Renewals.

(1) Vending Machines. On every February 1st, or as soon as practicable thereafter, the health officer, or the health officer's~~his~~ designee, shall compile a list of the names of those vending machine permittees who have, and who have not, renewed their vending machine permits.

(2) All Other Activities. On every April 1st, or as soon as practicable thereafter, the health officer, or the health officer's~~his~~ designee, shall compile a list of the names of those permittees who have, and who have not, renewed their permits.

(Ords. 2002-48 § 10, 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.810 Lost or stolen permits.

The health officer, upon receiving an application fee, may provide a copy of a permit to a permittee who indicates that ~~his~~the permittee's permit has been lost or stolen.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.812 Refunds.

The auditor shall refund to a permittee all moneys erroneously collected if the permittee files a proper claim demonstrating this to the auditor.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.814 Temporary permits.

The health officer may issue a nonrenewable and nontransferable temporary permit for activities or objects permitted hereunder for a period of not more than thirty-one consecutive calendar days in any permit year. The application process and other matters regulated by this article shall apply to temporary permits and permittees.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

Article 413-3.10. Exemptions

413-3.1002 Blind.

The health officer shall issue without fee but on application, a permit to any blind person (having not more than ten percent visual acuity in the better eye without correction) who otherwise would be entitled to such permit, and who files ~~with his application~~ an application with a certificate signed by a licensed physician or by the State Bureau of Vocational Rehabilitation that ~~he~~the individual is a blind person.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.1004 Charitable or tax-supported institutions.

The health officer shall issue without fee but on application, a permit to any person who conducts an activity requiring a permit exclusively for religious or charitable purposes if at least seventy-five percent of the net proceeds from such activity inures directly to the benefit of such charitable purposes.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.1006 Veterans.

The health officer shall issue, without fee but on application, a permit to any honorably-discharged veteran. The veteran must be the sole owner of the business or activity or a co-owner with other honorably-discharged veteran(s) and must not sell alcoholic beverages.

(Ord. 93-58 § 2).

413-3.1008 Fee exception only.

The exemptions provided by this article are for environmental health permit fees only and do not exempt these applicants from any application, inspection, reinspection, plan review fees or penalties, or miscellaneous fees for service.

(Ord. 93-58 § 2).

413-3.1010 Delivery vehicles.

Vehicles used by a fixed-location food market or restaurant permitted hereunder to deliver food products therefrom do not need separate permits.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

Article 413-3.12. Permit Fees

413-3.1202 Square footage.

Where permit fees are based on square footage, this refers to the area occupied by, attendant to, and in support of the activity or object requiring an environmental health permit.

(Ords. 93-58 § 2, 7-1 § 1 (part), 1974).

413-3.1204 Temporary permit fees.

Temporary permit fees are equal to the annual fee, or, in the case of proratable fees, are prorated under Section 413-3.1210.

(Ords. 93-58 § 2, 74-79 § 4, 74-1).

413-3.1206 Delinquency, penalty and waiver.

(a) If any fee required by this chapter is not paid before the delinquency date, it shall be increased by twenty-five percent. The delinquency date is: In the case of initial applications, the thirty-second calendar day after commencement of the approved activity; in the case of permit renewals for activities other than vending machines, septic tank-chemical toilet cleaner vehicles, retail food vehicles, and mobile food preparation units, March 1st; in the case of permit renewals for vending machines or septic tank-chemical toilet cleaner vehicles or retail food vehicles or mobile food preparation units, January 1st; and in the case of temporary permits, the first day after commencement of the activity in question.

(b) An additional penalty of forty percent of the fee will be imposed for any fee that remains unpaid for more than sixty days after the delinquency date.

(c) In addition to the above delinquent penalties, the delinquent permittee is also subject to one hundred percent of the administrative, legal, and collection costs and/or charges.

(d) The health officer may waive any penalty incurred without substantial fault by the applicant or permittee and without substantial lessor damage to the county or city.

(Ords. 2002-48 § 11, 93-58 § 2, 74-79 § 5, 74-1).

413-3.1208 Plans and inspection deposits.

(a) Fee Required. The health officer shall collect a plan review fee for checking plans for and inspecting the construction or remodeling of a food facility specified in Section 413-3.604 or a public swimming pool as defined in Health and Safety Code section 116025. Plan review fee amounts will be established by resolution of the board of supervisors.

(b) Time Limit; Refunds. An approval of food facility plans or public swimming pool plans is valid unless the building permit issued for the food facility or public swimming pool expires. If no inspections have occurred and the building permit expires before work begins under the permit, the portion of the plan review fee attributable to the cost of inspections will be refunded upon the applicant's written request.

(Ord. No. 2014-12, § II, 12-2-14; Ords. 93-58 § 2, 78-88, 76-46, 74-1).

413-3.1210 Prorating fees.

(a) If an annual operating permit is first issued for an activity that commences operation after March 1 of the permit year, the permit fee shall be paid as follows, unless otherwise provided in this section. If the activity commences operation during the period March through May, the full permit fee shall be paid. If the activity commences operation during the period June through August, three-quarters of the permit fee shall be paid. If the activity commences operation during the period September through November, one-half of the permit fee shall be paid. If the activity commences operation during the period December through February, one-fourth of the permit fee shall be paid.

(b) If a permitted activity ceases operation or is transferred to another person before the end of a permit year, the permittee is eligible for a refund of a portion of the annual operating permit fee that was paid, unless otherwise provided in this section. If the permitted activity ceases operation or is transferred to another person during the period March through May, three-fourths of the permit fee is available for refund. If the permitted activity ceases operation or is transferred to another person during the period June through August, one-half of the permit fee is available for refund. If the permitted activity ceases operation or is transferred to another person during the period September through November, one-fourth of the permit fee

is available for refund. No refunds will be made if a permitted activity ceases operation or is transferred to another person during the period December through February. If a permittee is eligible for a refund, a refund will be issued only upon the permittee's timely written request. Refund requests must be submitted within thirty calendar days after a permitted activity ceases operation or is transferred to another person. Refund requests must include the following evidence in a form acceptable to the health officer: The date the permitted activity ceased operation or was transferred to another person, and in the case of transfers, the name, address and telephone number of the transferee.

(c) This section does not apply to an activity whose permit year commences January 1 and ends December 31 under section 413-3.412.

(Ord. No. 2014-12, § III, 12-2-14; Ords. 93-58 § 2, 78-43 § 1, Ord. 74-1 (part), 1974).

413-3.1212 Fees.

The board may, by resolution and from time to time, prescribe fees for the application, issuance, and renewal of environmental health permits.

(Ords. 93-58 § 2).

413-3.1214 Miscellaneous fees for service.

A service charge shall be charged for services not otherwise covered by fees in this chapter, including but not limited to consultation services, plan reviews of existing permitted activities, food equipment evaluations and reviews, site evaluations, investigations, and other requests related to services for which a fee is not otherwise provided. The service charge shall be prescribed by the board by resolution and may be amended by the board by resolution from time to time.

(Ord. 93-58 § 2).

413-3.1216 Violation reinspection fee.

In the event that a permittee is directed by the health officer to make changes and/or corrections in a food facility or other activity requiring a permit hereunder, for the purpose of bringing the food facility or activity into compliance with the provisions of this chapter and/or state law, the health officer shall charge the permittee a reinspection fee for each and every reinspection performed by the health officer after the first inspection following the direction to correct, until the necessary changes and/or corrections are made. The reinspection fee shall be prescribed by the board by resolution and may be amended by the board by resolution from time to time.

(Ord. 93-58 § 2).

Article 413-3.14. Enforcement

413-3.1402 General.

The provisions of this article control in the absence of contrary provisions of state or county law particularly applying to one or more permitable activities hereunder; however, violations of this chapter are also subject to criminal and/or civil enforcement procedures as are all other violations of this code.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.1404 Administration and regulation.

The health officer shall administer this chapter. The health officer may promulgate regulations carrying out these provisions, including, but not limited to, prescribing application and identification forms.

(Ords. 93-58 § 2, 74-1 (part), 1974).

413-3.1406 Temporary suspension.

(a) Complaint. When a written complaint is filed with or by the health officer or one of the health officer's~~his~~ deputies that some applicable law or regulation is being violated by any person or permitable activity, the health officer may order a hearing pursuant to Section 413-3.1412.

(b) Period. After hearing, the health officer may suspend the permit until the health officer is assured of compliance with applicable laws and regulations, and the health officer may post notice of this action in a conspicuous place.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.1408 Emergency suspension.

(a) Health or Safety Danger. After making a written finding that the public health or safety is endangered by some person or permitable activity, the health officer or one of the health officer's~~his~~ deputies may order the immediate cessation of the activity, abatement of the condition, or action to correct the condition, and ~~he~~the health officer may order the emergency suspension of the permit and its removal from the person or premises; and ~~he~~the health officer may post notice of this action in a conspicuous place. Emergency suspension is in addition to, and not limited by nor in derogation of, any other authority or power which the health officer may have under this or other laws or regulations.

(b) Period. Each emergency suspension, as distinct from any other authorized action, is effective for not more than seven calendar days, including the first day on which the permit is suspended. At the end of that period, or sooner if a finding is made that the public health or safety is no longer endangered, the permit becomes valid again, unless a hearing is ordered pursuant to Section 413-3.1412.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.1410 Revocation.

The health officer or one of the health officer's~~his~~ deputies may revoke and confiscate a permit if:

(1) It has been suspended once after hearing; and

(2) Violations of this chapter or other applicable laws or regulations or acts or omissions endangering the public health continue; and

(3) The health officer makes a written finding that correction of the situation is impracticable and that the public health is endangered. The health officer or the health officer's~~his~~ designee may post notice of this action in a conspicuous place.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.1412 Hearings.

(a) Notice. The health officer shall give written notice of the hearing to the permittee or the person involved or in charge of the premises or operation, delivered or mailed to the latest address on file. The notice shall specify:

(1) The hearing date, time and place (not more than fifteen days thereafter);

(2) The reasons for the hearing; and

(3) The permittee's rights to correct, comply with, or desist from, the cited reasons, and/or show cause against suspension of the permit.

(b) Conduct. The health officer or one of the health officer's ~~his~~ deputies shall conduct the hearing, or ~~he~~the health officer may have the county hearing officer conduct it and recommend to the health officer ~~back to him~~ a suggested disposition of the matter. Hearings may not be postponed or continued longer than ten days from the original date without the consent of the permittee.

(c) Decision. The health officer or the health officer's ~~his~~ subordinate or deputy shall make a ~~his~~ written decision within fourteen days after:

(1) The hearing's close; or

(2) ~~His~~ The health officer's receipt of the hearing officer's recommendations; and ~~he~~the health officer shall promptly notify the permittee thereof.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

413-3.1414 Appeals.

Appeals are governed by Chapter 14-4.

(Ords. 93-58 § 2, 74-1 § 1 (part), 1974).

Article 413-3.16. Mobile Vendor Regulation

413-3.1602 General.

This article supplements and is in addition to the requirements otherwise provided in this chapter for retail food vehicles. All applicable provisions of this division shall apply to retail food vehicles and, in addition, to mobile, motorized mobile and nonmotorized mobile units as defined in this article. This article and this division otherwise do not authorize the operation or conducting of vending from a retail food vehicle or mobile unit where such use is not otherwise allowed or permitted by applicable zoning district or other regulations of this code or state law.

(Ord. 95-36 § 2).

413-3.1604 Findings and purpose.

It is hereby found and declared that:

(1) To protect the public health and safety, promote fair economic competition and ensure safe pedestrian and motorist traffic, the unincorporated area of the county needs more equitable, uniform retail food vehicle and mobile vending regulations.

(2) A lack of sufficient regulation of retail food vehicle and mobile vending from pushcarts, motor vehicles, stands or by persons can cause safety and sanitary hazards on public streets and property and on private property by contributing to traffic and pedestrian congestion, contributing to litter accumulation and causing planning and design problems, especially those retail food vehicle and mobile vendors that become a continual, stationary enterprise.

(Ord. 95-36 § 2).

413-3.1606 Prohibitions.

As provided in this division, no person shall conduct, operate or engage in any retail food vehicle and mobile unit business, vending, sale or distribution without having a valid, unrevoked, unsuspended environmental health permit therefor fully complying with the provision of this division and this article. In addition, no person shall conduct, operate or engage in any business, vending or other activity pursuant to a valid environmental health permit that violates any provision or standard of this code including this division and this article.

(Ord. 95-36 § 2).

413-3.1608 Permit limitations.

One environmental health permit may be obtained for multiple units if the health officer is satisfied that all applicable requirements will be met. For a retail food vehicle and/or mobile unit, an environmental health permit to the extent otherwise allowed by law may be issued for vending upon private property, for vending upon county streets where parking is permitted and for vending upon county sidewalks, subject to the permittee's compliance with the regulations herein and otherwise applicable. An environmental health permit shall not be issued for vending on other public property without prior approval of the board of supervisors or other public body having jurisdiction.

(Ord. 95-36 § 2).

413-3.1610 Article definitions.

For purposes of this division and this article:

(1) "Mobile unit" means any apparatus (e.g., truck, trailer, cart, wagon) or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer. A mobile unit does not include news racks nor vending machines but does include mobile food preparation units and vehicles as defined in the Health and Safety Code.

(2) "Motorized mobile units" means a mobile unit which may be moved under its own power.

(3) "Nonmotorized mobile units" means a mobile unit which may not be moved under its own power. An example would be push carts and stands.

(Ord. 95-36 § 2).

413-3.1612 Standards.

In addition to all other applicable requirements of this code and law, all mobile unit vending operations shall comply with the following standards:

(1) Vending shall not be conducted between the hours of eight p.m. and six-thirty a.m.

(2) Motorized mobile units shall be permitted for a maximum of one hour per day, per site. Nonmotorized mobile units shall be permitted for a maximum of two hours per day, per site.

(3) Mobile unit vendors shall at all times be in compliance with all regulations of the state Uniform Retail Food Facilities Law and Contra Costa County health department.

(4) Vending of any alcoholic beverages or controlled substances is prohibited.

(5) Each mobile unit shall possess and at all times display in conspicuous view certified copies of its current county environmental health permit as well as any county food handling permit, as applicable.

(6) To the extent allowed by law, mobile units shall be subject to reasonable inspections by county personnel for the purposes of ensuring compliance with applicable requirements.

(7) Motorized mobile units lawfully permitted to conduct vending from county streets shall comply with the parking and traffic regulations of the state and the county of Contra Costa.

(8) Motorized mobile units lawfully permitted to conduct vending from county streets shall not conduct nor solicit vending from pedestrians or vehicles in the path of street vehicular travel.

(9) Environmental health permits are not transferable.

(Ord. 95-36 § 2).

413-3.1614 Administration and fees.

The health officer is charged with the administration of the provisions of this article. Fees for permits and the administration of this article shall be as established by the board of supervisors and required by this code.

(Ord. 95-36 § 2).

413-3.1616 Conflicts.

In the case or situation of any conflict between the provisions of this article and any other provision of this chapter, the stricter requirement shall prevail and be complied with.

(Ord. 95-36 § 2).

Article 413-3.18. Placard Program

413-3.1802 Placard program established.

This article establishes a placard program for food facilities, as authorized by California Health and Safety Code section 113709. The program consists of color-coded placards issued by the health officer and official inspection reports issued by the health officer.

(Ord. No. 2016-08, § II, 3-15-16)

413-3.1804 Applicability.

(a) The requirements of this article apply to all food facilities for which an environmental health permit is required under this chapter, unless a facility or operation is exempt under this section.

(b) The following are exempt from the requirements of this article: temporary food facilities, certified farmers' markets, cottage food operations, mobile food facilities selling only whole uncut produce, mobile food facilities selling only prepackaged non-potentially hazardous foods, mobile food facilities selling only prepackaged ice cream, mobile support units, and vending machines. A facility or operation that is exempt from the placard requirements of this article must comply with all other applicable laws and permitting requirements, including but not limited to all applicable requirements of this chapter and the California Retail Food Code, Health and Safety Code section 113700 et seq.

(Ord. No. 2016-08, § II, 3-15-16)

413-3.1806 Issuance of placards and official inspection reports.

A color-coded placard issued by the health officer indicates that a food facility has been inspected by the health officer to determine whether the food facility is in compliance with all applicable federal, state, and local laws pertaining to the protection of public health. After completing an inspection of a food facility, the health officer will issue the appropriate color-coded placard to the food facility. The appropriate color of the placard is determined by the health officer based upon inspection results.

(a) The color green is the color used for a placard indicating that a food facility has passed an inspection. A food facility receives a green placard if no more than one violation is noted during an inspection.

(b) The color yellow is the color used for a placard indicating that a food facility has conditionally passed an inspection. A food facility receives a yellow placard if two or more violations are noted during an inspection. A yellow placard signifies that conditions must be met for a food facility to receive a green placard. A yellow placard may be issued if a food facility does not meet one or more conditions imposed under a previous yellow placard, even if a green placard is subsequently issued.

(c) The color red is the color used for a placard indicating that a food facility has not passed an inspection and its environmental health permit is suspended under Section 413-3.1408. Upon the issuance of a red placard and the suspension of a permit under Section 413-3.1408, the red placard shall be posted until the permit is reinstated. A red placard is a notice of closure of a food facility.

(d) The color white is the color used for a placard indicating that the issuance of a green, yellow, or red placard is pending. A white placard may be issued after the initial opening of a new food facility, after a change in ownership of a food facility, or after the reinstatement of a suspended environmental health permit.

(Ord. No. 2016-08, § II, 3-15-16)

413-3.1808 Issuance of official inspection reports.

An official inspection report issued by the health officer is a written notice, prepared and issued after the health officer inspects a food facility, that documents whether the food facility complies with all applicable federal, state, and local laws pertaining to the protection of public health. An official inspection report describes all actions necessary to correct all violations noted in the report.

(Ord. No. 2016-08, § II, 3-15-16)

413-3.1810 Posting of placards.

(a) After a food facility is inspected and issued a placard, it is unlawful to operate a food facility unless the placard is posted in accordance with this section.

(b) A placard shall be posted so as to be clearly visible to the general public and to patrons entering the food facility. "Clearly visible to the general public and to patrons" means:

(1) Posted in the front window of a fixed food facility within five feet of the front door; or

(2) Posted in a display case mounted on the outside front wall of a fixed food facility within five feet of the front door; or

(3) Posted in the service window of a mobile food facility; or

(4) Posted in a location approved by the health officer to ensure proper notice to the general public and to patrons of the food facility.

(c) No more than one placard shall be posted. Only the most recently issued placard shall be posted.

(d) If a placard is damaged or altered, the permittee shall immediately contact the health officer for a replacement.

(e) A placard is valid from the time of issuance until a new inspection or a change in ownership.

(f) In addition to the placard, a copy of the official inspection report shall be maintained at the food facility and shall be available to the public for review upon request. The official inspection report shall be kept at the food facility until the health officer issues a new placard and official inspection report.

(Ord. No. 2016-08, § II, 3-15-16)

413-3.1812 Placard tampering, removal, and violations.

(a) A placard shall not be defaced, marred, camouflaged, hidden, or removed.

(b) Removal of a placard, including the removal and replacement of a placard with a document not issued by the health officer, is a violation of this chapter and is punishable as specified in this chapter. In addition, if a placard is removed from a food facility, the food facility is subject to one or more reinspections until the correct placard is properly displayed and all associated fees are paid.

(Ord. No. 2016-08, § II, 3-15-16)

Article 413-3.20. Microenterprise Home Kitchen Operations

413-3.2002 Purpose and applicability.

(a) The purpose of this article is to authorize the permitting of microenterprise home kitchen operations in accordance with Health and Safety Code sections 114367 through 114367.6, to allow for small-scale, direct food sales from home-based food facilities to prioritize locally prepared foods to consumers. This will allow small-scale entrepreneurs entry into the retail food economy and will help provide them with access to guidelines, training, and safety resources.

(b) The requirements of this article apply within all incorporated and unincorporated areas of Contra Costa County, in accordance with Health and Safety Code section 114367.

(Ord. No. 2024-05, § II, 5-21-24)

413-3.2004 Definitions.

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

(a) "MEHKO operator" means the resident of a private home who holds a microenterprise home kitchen operation permit and is responsible for the operation of the microenterprise home kitchen operation.

(b) "Microenterprise home kitchen operation" or "MEHKO" has the meaning set forth in Health and Safety Code section 113825.

(c) "Permitted area" has the meaning set forth in Health and Safety Code section 114367.2.

(Ord. No. 2024-05, § II, 5-21-24)

413-3.2006 Microenterprise home kitchen operation permits.

(a) A microenterprise home kitchen operation may not operate without a valid permit issued by the health officer.

(b) An application for a microenterprise home kitchen operation must be made on a form provided by the Environmental Health Division. The applicant must specify the equipment and standard operating procedures the applicant proposes to use in compliance with Health and Safety Code section 114367.2(c).

(c) A MEHKO operator shall successfully pass an approved and accredited food safety certification examination, in compliance with Health and Safety Code section 113947.1, and submit proof of certification, with the application for a microenterprise home kitchen operation permit.

(d) A permit may only be issued after the health officer has conducted an initial inspection of the proposed microenterprise home kitchen operation location, as authorized by Health and Safety Code section 114367.2(d)(1), and determined that the proposed microenterprise home kitchen operation and its method of operation complies with the requirements of Health and Safety Code sections 114367 through 114367.6.

(e) A microenterprise home kitchen operation permit is valid for one year. The permit year for a microenterprise home kitchen operation permit is March 1 through February 28 (29). A microenterprise home kitchen operation permit may be renewed annually, and is not transferable.

(f) The fee for the issuance of a microenterprise home kitchen operation permit, as authorized by Health and Safety Code section 114367.2(i), will be in an amount established by the Board of Supervisors, and subject to Article 413-3.1210.

(g) A microenterprise home kitchen operation permit may be modified, suspended, or revoked as provided in the California Retail Food Code, Part 7 of Division 104 of the Health and Safety Code.

(Ord. No. 2024-05, § II, 5-21-24)

413-3.2008 Operational requirements for microenterprise home kitchen operations.

A microenterprise home kitchen operation must comply with all requirements set forth in Health and Safety Code sections 114367 through 114367.6 and with all of the following:

(a) Any person participating in a microenterprise home kitchen operation shall obtain a Contra Costa County Food Handler Certification within thirty days after joining the microenterprise home kitchen operation, as specified in Health and Safety Code section 113948.

(b) All food storage within a permitted area shall comply with the requirements of Article 5 of Chapter 4 of Part 7 of the Health and Safety Code. Any other detached rooms on the premises, including accessory buildings and garages, may be used to store food items only if all food is stored inside of an approved refrigerator or freezer with a closable door or lid. Sleeping quarters or second units may not be used as a permitted area or for food storage.

(c) Only one microenterprise home kitchen operation may operate per residence.

(d) The microenterprise home kitchen operation permit must be prominently displayed internally on the site of the microenterprise home kitchen operation during all hours of operation. The permit may not be used as an outdoor display to advertise the microenterprise home kitchen operation as indicated in Health and Safety Code section 114367.4(a)(1)(A).

(e) Delivery of any food prepared by a microenterprise home kitchen operation shall comply with Health and Safety Code section 114367.5.

(Ord. No. 2024-05, § II, 5-21-24)

413-3.2010 Inspections.

(a) The health officer may inspect a microenterprise home kitchen operation as authorized by Health and Safety Code section 114367.3.

(b) Fees for inspections of microenterprise home kitchen operations, as authorized by Health and Safety Code section 114367.3(c), will be in amounts established by the Board of Supervisors.

(c) A microenterprise home kitchen operation is not subject to the placard program requirements of Article 413-3.18.

(Ord. No. 2024-05, § II, 5-21-24)

413-3.2012 Initial term.

This article expires on June 30, 2026, unless repealed or extended by the Board of Supervisors before that date.

(Ord. No. 2024-05, § II, 5-21-24)

Chapter 413-4 COMMERCIAL CANNABIS HEALTH PERMITS

Article 413-4.2 General Provisions

413-4.202 Purpose.

The purpose of this chapter is to regulate commercial cannabis activities, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act, by requiring all persons engaged in commercial cannabis activities or engaged in cannabis deliveries to obtain a county health permit in addition to all other licenses and permits required by the county and the state. The requirements of this chapter are in addition to all other applicable requirements of this Code and all applicable state laws and regulations.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.204 Applicability.

This chapter applies in the unincorporated area of the county.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.206 Definitions.

(a) Except as otherwise provided in subdivision (b), the definitions set forth in Division 10 of the Business and Professions Code, and the definitions set forth in Health and Safety Code section 11362.7, apply to this chapter.

(b) The following terms have the following meanings for purposes of this chapter:

(1) "Characterizing flavor" means a distinguishable taste or aroma imparted by a cannabis product or any byproduct produced by the cannabis product that is perceivable by an ordinary consumer by either the sense of taste or smell, other than the taste or aroma of cannabis. A "characterizing flavor" includes, but is not limited to, a taste or aroma relating to a fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice.

(2) "Commercial cannabis activity" means any of the following: the retail sale of cannabis or cannabis products under Section 88-28.412; the commercial cultivation of cannabis under Section 88-28.414; the manufacturing of cannabis or cannabis products under Section 88-28.416; cannabis testing under Section 88-28.418; and the distribution of cannabis or cannabis products under Section 88-28.420. "Commercial cannabis activity" includes the delivery of cannabis or cannabis products from a retail location in the unincorporated area of the county to any location in the unincorporated area of the county, but does not include deliveries from a location outside the unincorporated area of the county to any location in the unincorporated area of the county.

(3) "Constituent" means any ingredient, substance, chemical, or compound, other than cannabis or water, that is added by the manufacturer to a cannabis product during the processing, manufacture, or packaging of the cannabis product.

(4) "Deliver" or "delivery" means the commercial transfer of cannabis or cannabis product from a retailer to a customer, whether the delivery is a commercial cannabis activity or a delivery from a location outside the unincorporated area of the county to any location in the unincorporated area of the county.

(5) "Director" means the director of environmental health.

(6) "Flavored cannabis product" means any cannabis product that contains a constituent that imparts a characterizing flavor. A cannabis product whose labeling or packaging contains text or an image indicating that the product imparts a characterizing flavor is presumed to be a flavored cannabis product.

(7) "Self-service display" means the open display or storage of cannabis or cannabis products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer. A vending machine is a form of self-service display.

(8) "State license" or "license" means a license issued pursuant to Division 10 of the Business and Professions Code, sections 26000 through 26231.2.

(9) "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in sufficient quantities, will create explosive or ignitable mixtures, including, but not limited to, butane, hexane, and propane.

(Ord. No. 2018-23, § II, 8-7-18)

Article 413-4.4 Commercial Cannabis Health Permit Requirements

413-4.402 Permit requirement.

It is unlawful for any person to conduct any commercial cannabis activity in the unincorporated area of the county or to deliver cannabis or cannabis products to any location in the unincorporated area of the county without obtaining and maintaining a commercial cannabis health permit.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.404 Permit applications.

An application for a commercial cannabis health permit shall be submitted to the director on a form available from the director and shall contain the following information:

(a) Identifying Information for Applicant. The name, date of birth, social security number, address, and telephone number for the applicant. If the applicant is an entity and not an individual, the term "applicant" means each person participating in the direction, control, or management of the entity, and each person having a financial interest of twenty percent or more in the entity.

(b) State License Type. A description of the specific state license(s) that the applicant either has obtained or will obtain.

(c) Description of Operations. A description of the proposed commercial cannabis activity or delivery.

(d) Certification. Certification, under penalty of perjury, that all the information contained in the application is true and correct.

(e) An application for a commercial cannabis health permit for a proposed commercial cannabis activity shall contain the following additional information:

(1) Land Use Permit. A copy of the land use permit issued pursuant to Chapter 88-28 authorizing the proposed commercial cannabis activity, and all applications and materials submitted in support of issuance of the land use permit.

(2) Description of Premises. The address and assessor's parcel number(s) of the property upon which the proposed commercial cannabis activity will be located.

(3) Proof of Ownership of Premises. Proof of the applicant's ownership of the premises on which the commercial cannabis activity is to occur, or if the premises is rented or leased, written permission from the property owner containing the property owner's notarized signature that authorizes the tenant or lessee to engage in commercial cannabis activity at the site.

(4) Diagram. A diagram drawn to scale of the premises, showing a site plan, building layout, all entryways and exits to the facility, loading zones, and all areas in which cannabis and cannabis products will be stored, grown, or dispensed.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.406 Application fee.

An application for a commercial cannabis health permit, or an application for renewal of a commercial cannabis health permit, will not be accepted unless it is accompanied by the payment of a non-refundable application fee in the amount established by the board of supervisors in the health services department's fee schedule.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.408 Review of application.

(a) The director will review each application for a commercial cannabis health permit. The director will deem the application incomplete if it does not contain all required information and documents, or if all required application fees have not been paid.

(b) After reviewing a complete application for a commercial cannabis health permit, the director will approve the application unless any of the following grounds for denial exist:

(1) The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact from the application.

(2) The proposed commercial cannabis activity or delivery will not comply with the provisions of this chapter.

(3) The proposed commercial cannabis activity or delivery will not comply with all state and local laws and regulations.

(4) The applicant has not obtained all required state licenses and local permits.

(5) The applicant has not paid all required fees in accordance with the fee schedule adopted by the board of supervisors.

(c) The decision of the director to approve or deny a permit application is final. If the director denies the application, the director will specify in writing the reasons for denial of the application and notify the applicant of the decision.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.410 Permit renewal.

(a) Each commercial cannabis health permit will expire on June 30th following the date of its issuance.

(b) An application for renewal must be filed with the director at least 30 calendar days before the permit expires. If any of the documentation or information supplied by the applicant pursuant to Section 413-4.404 has changed since the permit was issued, the applicant must submit updated information and documentation with the application for renewal. The director will deem the application incomplete if it does not contain all required information and documents, or if all required application fees have not been paid.

(c) Upon review of a renewal application, the director will approve the renewal application unless any of the following grounds for denial exist:

(1) Any of the grounds for denial under Section 413-4.408.

(2) The application is filed fewer than thirty calendar days before the permit expires.

(3) The applicant is delinquent in payment of county taxes.

(4) The permit is revoked at the time of application.

(d) The decision of the director to approve or deny a permit renewal application is final. If the director denies the application for renewal, the director will specify in writing the reasons for denial of the application for renewal and notify the applicant of the decision.

(e) If a renewal application is denied, an applicant may file a new permit application pursuant to Section 413-4.404.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.412 Permit fee.

A commercial cannabis health permit, or a renewed commercial cannabis health permit, will not be issued until the applicant has paid a non-refundable permit fee in the amount established by the board of supervisors in the county health services department's fee schedule.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.414 Permit nontransferable.

(a) A commercial cannabis health permit is not transferable and automatically terminates upon transfer of ownership.

(b) Whenever any permittee sells or transfers a financial interest of 20 percent or more in the permittee's business, the acquiring party must obtain a new commercial cannabis health permit pursuant to Section 413-4.402.

(c) A commercial cannabis health permit is issued to only the permittee identified on the permit. A commercial cannabis health permit does not run with the land.

(Ord. No. 2018-23, § II, 8-7-18)

Article 413-4.6 Commercial Cannabis Activity Health Standards

413-4.602 Standards for all permittees.

A permittee shall comply with all of the following standards.

(a) Compliance with State and Local Laws. A permittee shall comply with all state and local laws and regulations.

(b) State License. A permittee shall maintain a valid state license. A permittee shall notify the director within three days after receiving any notices of violations or other corrective action ordered by a state or other local licensing authority.

(c) Business License. A permittee shall maintain a valid county business license.

(d) Hours of Operation. All permitted facilities shall be closed to the general public, and deliveries are prohibited, between the hours of 9:00 p.m. and 8:00 a.m. the following day.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.604 Commercial cannabis activity standards.

A permittee engaged in a commercial cannabis activity shall comply with all of the following standards in addition to the standards specified in Section 413-4.602.

(a) Land Use Entitlements. A permittee shall maintain a valid land use permit issued pursuant to Chapter 88-28 authorizing the commercial cannabis activity.

(b) Odor Control. A permittee shall prevent odors generated from the permitted commercial cannabis activity from impacting neighboring parcels or creating a public nuisance. Unresolved or repeated odor complaints may be a basis for revocation of the permit or denial of permit renewal.

(c) No Consumption on Premises. No cannabis or cannabis product may be smoked, ingested, or otherwise consumed on the premises.

(d) Security Breach. A permittee shall notify the county sheriff's office within twenty-four hours after discovering any diversion, theft, loss, or any criminal activity involving cannabis, cannabis product, or any agent or employee of the permittee.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.606 Processing and manufacturing standards.

A permittee that processes or manufactures cannabis or cannabis products shall comply with all of the following standards in addition to the standards specified in Sections 413-4.602 and 413-4.604.

(a) No volatile solvent may be used to process or manufacture cannabis or cannabis products.

(b) All processing and manufacturing operations must occur at the fixed location listed on the permit.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.608 Retail sale standards.

A permittee that sells cannabis or cannabis products shall comply with all of the following standards in addition to the standards specified in Sections 413-4.602 and 413-4.604.

(a) Within each building in which cannabis or cannabis products are sold, the permittee shall prominently display a sign including the following statement in bold print:

"GOVERNMENT WARNING: CANNABIS IS A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."

(b) Within each building in which cannabis or cannabis products are sold, the permittee shall establish a waiting area that persons must enter prior to entering the retail area. No person may be admitted to the waiting area without first verifying through examination of a government-issued identification card that ~~he or she~~the person is at least the minimum age under state law to enter the premises. The waiting area must be physically separated from the retail area. No cannabis or cannabis product may be accessible to customers in the waiting area.

(c) The permittee or at least one employee shall be physically present in the retail area at all times when any non-employee is in the retail area. Within the retail area, the number of non-employees may not exceed twice the number of employees at any time.

(d) The sale of any non-cannabis food or beverage, alcohol or alcohol product, or tobacco or tobacco product from the permitted premises is prohibited.

(e) The sale of more than 800 milligrams of tetrahydrocannabinol in the form of edible cannabis products to a single cannabis customer in a single day is prohibited.

(f) The sale of any cannabis product listed in Section 40300 of Division 1 of Title 17 of the California Code of Regulations is prohibited.

(g) The sale of any flavored cannabis product for which the primary use is human inhalation of the gases, particles, vapors, or byproducts released as a result of combustion, electrical ignition, or vaporization of the flavored cannabis product, is prohibited.

(h) A permittee shall not sell, permit to be sold, offer for sale, or display for sale any cannabis or cannabis product by means of self-service display, vending machine, rack, counter-top, or shelf that allows self-service sales for any cannabis or cannabis product. All cannabis and cannabis products must be offered for sale only by means of permittee or employee assistance.

(Ord. No. 2023-03, § 2, 1-10-23; Ord. No. 2019-34, § IV, 11-19-19; Ord. No. 2018-23, § II, 8-7-18)

413-4.610 Retail delivery standards.

A permittee that delivers cannabis or cannabis products from a retail location in the unincorporated area of the county to any location in the unincorporated area of the county shall comply with all of the following standards in addition to the standards specified in Sections 413-4.602 and 413-4.604. A permittee that delivers cannabis or cannabis products from a location outside the unincorporated area of the county to any location in the unincorporated area of the county shall comply with all of the following standards in addition to the standards specified in Section 413-4.602.

(a) The delivery of more than 800 milligrams of tetrahydrocannabinol in the form of edible cannabis products to a single cannabis customer in a single day is prohibited.

(b) The delivery of any cannabis product listed in Title 17, California Code of Regulations, section 40300, is prohibited.

(c) The delivery of any flavored cannabis product for which the primary use is human inhalation of the gases, particles, vapors, or byproducts released as a result of combustion, electrical ignition, or vaporization of the flavored cannabis product, is prohibited.

(d) A permittee may not display any advertisement upon any vehicle that is used for the delivery of cannabis or cannabis products that promotes any activity related to cannabis or that identifies the permittee or the business conducting the delivery.

(e) A delivery employee who delivers cannabis or cannabis products to a customer shall have in the delivery employee's ~~his or her~~ possession a copy of the permit issued under this chapter authorizing the delivery, which shall be made available upon request to law enforcement.

(f) No delivery employee may deliver cannabis or cannabis products to a customer without first examining a government-issued identification card of the recipient to confirm that the recipient is the customer who requested the delivery and that the recipient is at least the minimum age under state law to purchase the cannabis or cannabis product.

(g) A delivery employee who delivers cannabis or cannabis products to a customer shall at the time of delivery provide the customer with a written warning that includes the following statement in bold print:

"GOVERNMENT WARNING: CANNABIS IS A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. CANNABIS MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. THE INTOXICATING EFFECTS OF CANNABIS MAY BE DELAYED UP TO TWO HOURS. CANNABIS USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF CANNABIS IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."

(Ord. No. 2023-03, § 3, 1-10-23; Ord. No. 2019-34 § V, 11-19-19; Ord. No. 2018-23, § II, 8-7-18)

Article 413-4.8 Commercial Cannabis Health Permit Enforcement

413-4.802 Permit revocation.

(a) Grounds for Revocation. A commercial cannabis health permit may be revoked on any of the following grounds:

(1) One or more of the grounds for denial of a commercial cannabis health permit under Section 413-4.408 existed either when the permit application was made or before the commercial cannabis health permit was issued.

(2) Any violation of this chapter.

(3) Any violation of state or local laws or regulations.

(4) The permittee is delinquent in payment of county taxes.

(5) The commercial cannabis health permit was transferred in violation of Section 413-4.414.

(b) Notice of Revocation Hearing. If any grounds for revocation exist, the director may issue a notice of revocation hearing. A written notice of revocation hearing will be served to the permittee by either personal service or regular United States mail and will include all of the following information:

(1) The date of the violation.

(2) The address or other description of the location where the violation occurred.

(3) The grounds for revocation.

(4) The date of the revocation hearing before the director.

(c) Revocation Hearing. A commercial cannabis health permit may be revoked by the director after a revocation hearing. At the hearing, the permittee will be given the opportunity to testify and to present evidence concerning the notice of revocation hearing. After considering the testimony and evidence submitted at the hearing, the director will issue a written decision to revoke or not revoke the commercial cannabis health permit and will list in the decision the reason or reasons for the decision. The written decision will be served by either personal service or regular United States mail.

(d) Revocation Appeal. The decision of the director to revoke a commercial cannabis health permit is appealable to the board of supervisors under Chapter 14-4.

(e) Final Order. The commercial cannabis health permit revocation becomes a final administrative order at one of the following times:

(1) On the date of the revocation hearing, if the permittee fails to appear at a scheduled revocation hearing.

(2) On the date the director's decision is served, if the permittee fails to file a written appeal to the board of supervisors within the time specified.

(3) On the date of the appeal hearing, if the permittee fails to appear at a scheduled appeal hearing before the board of supervisors.

(4) On the date of the decision by the board of supervisors, if the permittee appears at a scheduled appeal hearing before the board of supervisors.

(f) If a permit is revoked under this section, the permittee may file a new permit application pursuant to Section 413-4.404, after remedying the grounds upon which the permit was revoked.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.804 Inspections.

The county shall have the same rights of access that the Bureau of Cannabis Control has under Title 16, California Code of Regulations, section 5800. A permittee shall allow access to its premises and records if requested by the county, its officers, employees, or agents. A permittee, upon request, shall submit to an inspection by the county for the purpose of verifying the permittee is operating in compliance with the requirements of this chapter, the terms of a permit issued under this chapter, the state license, and all applicable requirements of this Code and state laws and regulations. A permittee, upon request, shall provide the county with copies of records that the county requires to verify the permittee's compliance with this chapter and other applicable requirements of this Code and state laws and regulations. A permittee must pay the applicable inspection fees for each county inspection.

(Ord. No. 2018-23, § II, 8-7-18)

413-4.806 Enforcement.

The county may seek compliance with this chapter by any remedy allowed under this code, including, but not limited to, revocation (Section 413-4.802), administrative fines (Chapter 14-12), infraction citations (Section 14-8.008), and any other remedy allowed by law.

(Ord. No. 2018-23, § II, 8-7-18)

Division 414 WATERWAYS AND WATER SUPPLY

Chapter 414-2 CONTRA COSTA CANAL[5]

[5] For the statutory prohibition against littering waters, see Pen. C. § 374e; for the statutory regulation of motor vehicles upon canal banks, see Veh. C. § 21116 and for the provisions regarding the California Recreational Trails Law, see Pub. R.C. § 5070 ff.

414-2.002 Definition.

As used in this chapter "canal" means the Contra Costa Canal system as constructed within this county by the Bureau of Reclamation of the Department of the Interior of the United States Government.

(Prior code § 4700: Ord. 858: Ord. 849).

414-2.004 Swimming, fishing or dumping prohibited.

No person shall swim, wade, bathe, play, or fish in any canal, or throw, place, or cause to be placed in any canal rock, dirt, rubbish, or any other material or thing not reasonably necessary to the use, operation, or maintenance of the canal.

(Prior code § 4701: Ord. 849).

414-2.006 Loitering prohibited.

No person shall enter, be, loiter, or play on any lands, roadways, or structures appurtenant to or a part of the right-of-way of any canal within any fence or railing, or, in areas where there is no fence or railing, within thirty feet of the nearest edge of any canal. This section shall not apply to persons and their duly authorized agents, servants, and employees operating, maintaining, repairing, or inspecting the canal, engaged in the lawful removal of water, or engaged in enforcing this chapter. Nor shall this section apply to any person over the age of sixteen years, or under the age of sixteen years if accompanied by an adult, riding horseback over portions of the right-of-way of any canal that are designated, marked, and maintained as horseback riding trails by the Department of Parks and Recreation of the state of California or by the Concord Mt. Diablo Trail Ride Association, when the owner of the right-of-way has issued a valid license for this purpose.

(Prior code § 4702: Ord. 858: Ord. 849).

Chapter 414-4 WATER SUPPLY

Article 414-4.2. General

414-4.201 Water supply system—Approval required.

Any person proposing to subdivide or develop any property needing water for domestic purposes shall demonstrate an approved water supply and obtain written approval from the health officer for such development.

(Ord. 81-56 § 1).

414-4.202 Purpose and disclaimer.

This chapter is enacted to provide for the protection of the county's groundwater sources from degradation that could result from inadequately constructed, defective, or improperly abandoned wells, to provide for regulation of small water systems in accordance with federal standards as mandated by the state, and to require submission of tentative subdivision maps and building permit applications to the health officer for ~~him to~~ review of the availability of an approved water supply prior to recordation of final maps and issuance of building permits. Notwithstanding the foregoing, by enacting this chapter, the county of Contra Costa neither assumes nor

undertakes any obligations or responsibilities of any kind to assure, guarantee, preserve, or otherwise guard the adequacy, potability, or any other qualitative or quantitative feature of the county's groundwater sources in any manner whatsoever, and no cause of action against the county, its agents, directors, or employees shall be deemed to accrue under any theory whatsoever on the basis of the enactment of this chapter or any subsequent amendment thereto.

(Ord. 81-56 § 1).

414-4.203 Definitions.

As used in this chapter, the following words and phrases shall have the meanings given in this article.

(Ord. 81-56 § 1).

414-4.205 Approved water supply system.

"Approved water supply system" means any system, approved by the health officer, or the California Department of Health Services, as meeting the requirements of Title 22 of the California Code of Regulations.

(Ords. 2002-48 § 12, 81-56 § 1).

414-4.207 Cross-connection.

"Cross-connection" means any actual or potential unprotected connection as defined in Title 17, California Administrative Code.

(Ord. 81-56 § 1).

414-4.209 Customer system.

"Customer system" includes those parts of the facilities beyond the termination of the utility system which are used to convey water to points of use.

(Ord. 81-56 § 1).

414-4.211 Distribution system.

"Distribution system" includes the facilities and conduits used for the delivery of water from the source to the customer's system.

(Ord. 81-56 § 1).

414-4.213 Furnish or supply.

"Furnish or supply" has its usual meaning, except that it does not include furnishing or supplying water to a user for domestic purposes other than for human consumption if the user receives the water, by pipe or otherwise, directly from an open irrigation canal system; nevertheless, it does include furnishing or supplying water to any small water system, connected by an integrated pipe system owned and operated by the supplier.

(Ord. 81-56 § 1).

414-4.215 Health officer.

"Health officer," unless otherwise modified, means the health officer of this county, ~~his/her~~the health officer's medical deputies, ~~his/her~~ the health officer's environmental health inspectors, and ~~his/her~~the health officer's other duly authorized representatives.

(Ord. 81-56 § 1).

414-4.217 Individual water system.

"Individual water system" means an approved water source and system of piping designed to provide water for domestic use and which serves (a) one single-family residence; or (b) two single-family residences on one parcel; or (c) one structure serving less than twenty-five persons more than sixty calendar days per year.

(Ord. 81-56 § 1).

414-4.219 Site evaluation.

"Site evaluation" means the investigation of a lot or subdivision to determine the feasibility of using an individual water system or a small water system.

(Ord. 81-56 § 1).

414-4.221 Small water system.

"Small water system" means a utility system which furnishes water for domestic purposes to from two through one hundred ninety-nine service connections inclusive and includes "Public Water System" as defined in California Health and Safety Code Section 116275 and its applicable regulations under Title 22 of the California Code of Regulations.

(Ords. 2002-48 § 13, 81-56 § 1).

414-4.223 Source facilities.

"Source facilities" includes all components of the facilities used in the production, treatment, storage, and delivery of water to the distribution system.

(Ord. 81-56 § 1).

414-4.225 Water source.

"Water source" means a source of water supply for any water system, including, without limitation, wells, springs, ponds, lakes, surface streams, irrigation ditches or canals, and potable water obtained from other sources including large public water systems.

(Ord. 81-56 § 1).

414-4.227 User.

"User" means any person using water for domestic purposes, except any person processing water or selling, serving, hauling, furnishing, or supplying water to the public in any manner.

(Ord. 81-56 § 1).

414-4.229 Utility system.

"Utility system" means a water system consisting of source facilities, treatment facilities, and distribution system, and includes all other facilities of the water system under the complete control of the supplier, up to the point where the customer's system begins.

(Ord. 81-56 § 1).

414-4.231 Well.

"Well" means any well, public or private, including without limitation, wells serving county and state small water systems, individual domestic use wells, industrial wells, agricultural wells, recharge or injection wells, air conditioning wells, horizontal wells, permanent test wells, dewatering wells and cathodic protection wells.

(Ord. 81-56 § 1).

414-4.233 Licensed well driller.

"Licensed well driller" means a person licensed in accordance with the provisions of the Contractors License Law (Chapter 9, Division 3, of the Business and Professional Code) to drill water wells.

(Ord. 81-56 § 1).

414-4.235 Well drilling.

"Well drilling" means the act(s) by any person, including without limitation, the property owner and/or licensed well driller, to dig, drill, bore, excavate, or drive a well.

(Ord. 81-56 § 1).

414-4.237 Domestic use.

"Domestic use" means water that is intended for human consumption. The terms "domestic purposes" and "human consumption" mean the same as domestic use when they appear in this chapter.

(Ord. 81-56 § 1).

414-4.239 Abandoned well.

"Abandoned well" means a well which has not been used for a period of one year, unless the owner has declared the owner's ~~his~~ intention to use the well again. Wells that are to be used again shall be adequately protected, and marked, and the area around the well shall be kept clear.

(Ord. 81-56 § 1).

414-4.241 Subdivision maps.

(a) Tentative Maps. Pursuant to Title 9, a copy of any submitted tentative subdivision map shall be forwarded to and filed with the health officer for investigation of domestic water supply. The tentative map shall show proposed provisions for sewage disposal, source of approved water supply, number of lots, the size of each lot, and contour lines at intervals of five feet or less.

(b) Health Officer Approval. The health officer shall review the filed tentative map for compliance with this chapter and in a timely manner report the health officer's ~~his~~ conclusions thereon, together with any conditions recommended to insure such compliance, to the planning department and advisory agency.

(c) Final and Parcel Maps. Final and parcel maps shall not be recorded unless the conditions recommended by the health officer and established by the advisory agency on approval of the tentative map have been satisfied.

(Ord. 81-56 § 1).

Article 414-4.4. Small Water Systems

414-4.401 Small water systems—Permit required.

(a) Every person proposing to install, construct, and/or operate a small water system shall first apply to the health officer for approval of the water source and utility system. The application shall be accompanied by complete plans and specifications with appropriate fees.

(b) The health officer shall approve, conditionally approve, or deny the application on the basis of compliance with this chapter and the health officer's regulations.

(c) Upon approval of the completed installation of the water system by the health officer, ~~he~~the health officer shall issue a water supply permit and a public health license to operate the system.

(Ord. 81-56 § 1).

414-4.403 Small water system—Investigation, site evaluation.

Upon receipt of an application for the construction or operation of a small water system the health officer shall make the necessary investigation and/or site evaluation of the proposed or existing system and all other circumstances and conditions the health officer deems material. The health officer may order repairs, alterations, or additions to the proposed or existing system to insure that the water furnished or supplied shall at all times meet the requirements of Sections 414-4.413, 414-4.415 and 4144.417. The health officer may require any permit holder or applicant to make a complete report on the condition and operation of the small water system owned, operated, or contracted for by the permit holder of applicant.

(Ord. 81-56 § 1: prior code § 4722: Ord. 1189: 420-6.010).

414-4.405 Small water system—Backflow prevention.

Every person furnishing or supplying water to users shall prevent water from unapproved sources, or any substance, from entering the small water system.

(Ord. 81-56 § 1: prior code § 4723: Ord. 1189).

414-4.407 Small water system—Design and construction.

All small water systems shall be designed and constructed so as to comply with applicable A.W.W.A. Standards and generally accepted engineering practices.

(Ord. 81-56 § 1: prior code § 4724: Ord. 1189).

414-4.409 Small water system—Approved sources required.

All water sources for small water systems shall comply with the requirements of Title 22, the California Administrative Code, and may be used only after approval of the health officer.

(Ord. 81-56 § 1: prior code § 4726: Ord. 1189).

414-4.411 Small water system—Distribution reservoirs.

Distribution reservoirs shall be adequately protected against contamination. Adequately ventilated housing may be required by the health officer to protect the facilities from the elements and unauthorized entry.

(Ord. 81-56 § 1: prior code § 4726: Ord. 1189).

414-4.413 Small water system—Distribution system.

(a) Pressure — Quantity. The distribution system shall be of adequate size and designed in conjunction with related facilities to maintain a minimum water pressure of twenty pounds per square inch at every point during periods of maximum normal demand. The quantity of water delivered to the distribution systems shall be sufficient to supply adequately, dependably, and safely the total requirements of all users under maximum consumption.

(b) Flushing. Dead-end runs shall be provided with means of flushing, and shall be flushed frequently enough to assure that the water will be kept safe, wholesome, and potable for human consumption. The design of small water systems shall provide for elimination of dead-end runs wherever practicable.

(c) Materials. Materials used in the distribution system shall be able to withstand with ample safety factors, all internal and external forces to which they may be subjected.

(d) Backflow Protection. Each service connection from an approved water supply system shall be protected against backflow of water from a nonapproved system.

(e) Fire Hydrants. Fire hydrants shall conform to requirements of local authority.

(f) Location of Pipes. No water pipe shall be laid in the same trench with sanitary sewers.

(g) Disinfection of Pipes. All pipes or conduits, or parts, newly constructed or repaired before being placed in service, shall be completely disinfected in accordance with American Water Works Association Procedures for Disinfecting Water Mains.

(h) Marking of Pipes. Where the premises contain dual or multiple water systems and piping, the exposed portions of pipes shall be painted, branded, or marked at sufficient intervals to distinguish the pipes which carry water safe for human consumption.

(Ord. 81-56 § 1: prior code § 4727: Ord. 1432: Ord. 1189).

414-4.415 Small water system—Operation and maintenance.

(a) Personnel. All personnel responsible for operation and maintenance shall have sufficient experience and training to qualify them properly to perform their duties. When the water is treated the water system shall be operated by personnel having special skills in the appropriate areas and acceptable to the health officer.

(b) Maps and Records. Complete and current maps of the utility system shall be maintained. Complete and current records shall be kept showing results of bacteriological and chemical analyses of water and other data required by the health officer.

(c) Maintenance. Facilities and equipment of the utility shall be kept clean and in good working condition. Leaks shall be repaired as soon as practicable. Proper equipment, tools, and repair parts shall be available in good condition for all types of emergency repairs.

(Ord. 81-56 § 1: prior code § 4728: Ord. 1189).

414-4.417 Small water system—Quality, quantity.

(a) Quality. All water systems shall meet the primary Drinking Water Standards contained in Title 22 of the California Administrative Code. The secondary Drinking Water Standards contained in Title 22 of the California Administrative Code shall be met by all public water systems, subject to any current waivers or other authorized exception. All examinations of water required by this chapter shall be performed by a laboratory approved by the California Department of Health Services.

(b) Quantity. Sufficient water shall be available from the water sources and distribution reservoirs to supply adequately, dependably and safely the total requirements of all users under maximum daily demand conditions. Requirements for a small water system shall be determined from the total source capacity, total storage volume and the total number of service connections. The procedures for determining quantity shall be in accordance with the specifications contained in Division 4, Chapter 16, Article 2, Title 22 of the California Administrative Code.

(Ord. 81-56 § 1).

Article 414-4.6. Individual Water Systems

414-4.601 Individual water system—Quality, quantity.

(a) Quality.

(1) Bacteriological. The water from an individual system, installed for domestic use, shall be examined by the health officer on completion of the system. Subsequent testing shall be performed by a laboratory approved by the California Department of Health Services and at the expense of the owner of the individual water system. The water tested shall be bacteriologically acceptable for domestic use.

(2) Chemical. An analysis for specific organic or inorganic chemical constituents in the water may be required when there is evidence that such constituents may be present and which are considered by the health officer to be a risk to human health.

(3) Physical. Tests for odor, color, turbidity, pH or other physical properties of the water may be required when there is evidence the water may not be acceptable or potable for human consumption.

(b) Quantity. Applications for building permits or certificates of occupancy for a structure requiring an individual water supply system shall, prior to their issuance, be submitted to the health officer for review to determine if the water supply source will provide minimum of quantities in accordance with the following:

(1) Wells. Sustained yield or pumping tests may be required by the health officer. The well yield shall be determined from pumping tests or historical data acceptable to the health officer. The well or wells shall yield a minimum three gallons per minute and a minimum storage capacity of one thousand gallons in a storage tank shall be provided. No storage is required if the well yield is five gallons per minute or greater. Sustained yield tests, when required, shall be conducted in accordance with the procedures described in Title 22, Section 64563 of the California Administrative Code.

(2) Other Surface Sources. Yields and required storage capacity shall meet the same minimum requirements as for wells. Adequate documentation that the surface sources are perennial shall be provided.

(c) Director of Building Inspection. When the building inspection director is advised by the health officer that it has not been demonstrated that a water source exists complying with this chapter and that such lack is a danger to or likely to cause public health problems, the building inspection director ~~he~~ may withhold the issuance of the requested building permit or certificate for a structure.

(Ord. 81-56 § 1).

414-4.603 Individual water system—Lot area, variances.

(a) Lot Area. The health officer shall require each structure that needs both an individual water system and an individual sewage disposal system to be on a lot whose area, exclusive of natural impediment and surface and underground easements, is at least forty thousand square feet.

(b) Variances. The health officer may grant variances from subsection (a) when the health officer~~he~~ finds the following conditions to be met:

(1) The lot otherwise will comply with the requirements of this division and the health officer's regulations; and

(2) The variance will neither create, nor contribute to the creation of a public nuisance.

(Ord. 81-56 § 1:420-6.008).

414-4.605 Individual water system—Investigation, site evaluation.

The health officer shall make the necessary investigation and/or site evaluation of the proposed development and all other circumstances and approve, or deny the proposed development on the basis of compliance with this chapter and corresponding regulations.

(Ord. 81-56 § 1: 414-4.403).

Article 414-4.8. Wells

414-4.801 Wells—Permit required.

(a) Every person proposing to dig, drill, bore or drive any water well, or rebore, deepen, cut new perforations in, or seal the aquifers of any existing well, before commencing work, shall apply to the health officer for approval of the well site and method of installation and construction and for a permit to do the work. If a well driller is hired it is the well driller's~~his~~ responsibility to see that a permit is obtained. The application shall be on forms furnished by the health officer and shall contain the information ~~he~~the health officer may require.

(b) The permit shall expire on the one hundred eightieth calendar day after date of issuance if the work has not been started and reasonable progress toward completion is not maintained, but the health officer may extend the expiration date when delay is warranted.

(c) The health officer shall approve, conditionally approve, or deny the application and issue or withhold the permit accordingly, on the basis of compliance with this chapter and ~~his~~the health officer's regulations.

(d) Upon completion of the drilling, repairs, alterations, or additions of the well and before a final approval of the well for use, a log of the well shall be submitted to the health officer. Where minor or insignificant repairs, alterations or additions are made, the health officer may waive the requirement for a log.

(Ord. 81-56 § 1: 414-4.608: prior code § 4732: Ord. 2289: Ord. 1189).

414-4.803 Wells—Repairs, alterations or additions.

The health officer may order repairs, alterations, or additions to the existing source or system to insure that the water furnished or supplied shall at all times be pure, wholesome, and potable and without danger to human health.

(Ord. 81-56 § 1: prior code § 4731: Ord. 1189).

414-4.805 Wells—Site.

The site of every well shall be adequately drained and located a safe distance from any sources of pollution or contamination; this distance is dependent upon the character of the soil, location of pollution sources, and slope of the ground.

(Ord. 81-56 § 1: prior code § 4732: Ord. 1189).

414-4.807 Wells—Protection.

(a) Adequate means shall be provided to protect the well from contamination during construction, reconstruction, or alteration. Newly constructed or repaired wells and necessary distribution systems shall be adequately chlorinated following construction or repair work.

(b) Surface structures which protect the well from contamination shall be provided when determined necessary by the health officer.

(c) The health officer shall be notified at least twenty-four hours in advance of the installation of the seal of the annular space between the casing and excavation. All wells shall be sealed in accordance with the procedures outlined in Part 2, Section Nine of California Department of Resources Bulletin Number 74. All wells shall be sealed to the depth of the first impervious soil formation in addition to all other requirements of Bulletin Number 74.

(d) The well driller shall complete a certification of the protection of the underground aquifers the well driller~~he~~ has penetrated during drilling and completion of the well. The certification shall be made on a form provided by the health officer and shall be signed by the well driller under penalty of perjury and shall indicate the contractor or driller license number. The work performed in the protection of the underground aquifers shall be done in conformance with California Department of Water Resources Bulletin Number 74, sound well drilling practice, current published data or other references documented with the certification.

(Ord. 81-56 § 1: prior code § 4733: Ord. 1189).

414-4.809 Wells—Abandoned.

To prevent contamination of groundwaters and other dangers, every person wholly or partially responsible for abandoning a well or having entire or partial right of ownership or possession of the land or premises on which an abandoned well is situated shall destroy the well as specified in Part III, Section 23 of the State of California Department of Water Resources Bulletin Number 74.

(Ord. 81-56 § 1: prior code § 4734: Ord. 1189).

Article 414-4.10. Enforcement

414-4.1001 Enforcement—Prohibitions.

(a) No person subdividing and/or developing any property needing water for domestic use shall so use the property until the person~~he~~ has demonstrated an approved water supply.

(b) No person shall drill a water well whether for domestic use, irrigation, agricultural or other purposes, without first applying for and receiving a valid, unrevoked, unsuspended permit to do so from the health officer.

(c) No person shall drill, reconstruct, repair or destroy a well for hire unless the person ~~he~~ is a licensed well driller.

(d) No person shall operate a small water system without filing a written application with the health officer and receiving and possessing a valid, unrevoked, unsuspended water supply permit and public health license.

(e) No person shall maintain a cross-connection within a small water system operated for domestic use.

(f) No person shall supply water for domestic use until the results of tests required by the health officer of bacteriological, chemical and physical analyses, performed by a laboratory certified by the State Department of Health Services, are submitted to the health officer and show that the water meets state safe drinking water quality standards and all other criteria established by the health officer through the health officer's~~his~~ regulations.

(g) No person shall modify, add to, or change an approved water supply system without the prior written approval of the health officer.

(Ord. 81-56 § 1: 414-4.401, 4.601).

414-4.1003 Enforcement—Publication of regulations.

The health officer may make and publish regulations to make more detailed or specific the provisions of the chapter. These regulations shall become effective two weeks after filing with the clerk of the board of supervisors and posting in the county health department. The health officer shall be responsible for the execution of this chapter.

(Ord. 81-56 § l: prior code § 4735: Ord. 1189).

414-4.1005 Enforcement—Right of entry.

To enforce this chapter, the health officer may enter and inspect any premises, operations or work regulated hereby, at reasonable times and with such notice to the owner, occupant, operator, applicant, licensee, or

permittee, as is reasonable and practicable under the circumstances. In conducting such inspections the health officer is authorized to proceed pursuant to the Code of Civil Procedure Sections 1822.50 and following.

(Ord. 81-56 § 1: 414-6.404).

414-4.1007 Enforcement—Nuisance abatement.

Any installation made or condition existing in violation of this chapter or of standards or regulations established under Section 414-4.1003 is declared to be a public nuisance, and in addition to any other remedy available under the law, its maintenance, operation or existence may be abated pursuant to Article 14-6.4.

(Ords. 88-88 § 3, 81-56 § 1).

414-4.1009 Enforcement—Emergency action.

Where the health officer makes a written finding that the public health is endangered by some act, omission, or condition regulated by this chapter, in connection with any premises or operation licensed under this chapter, the health officer may order the immediate cessation of the act, abatement of the condition, or action to correct the condition. The health officer may order the temporary emergency suspension of the applicable permit and its removal from the person or premises, and the health officer may post notice of this action in a conspicuous place. Emergency suspension, as distinct from any other action authorized by law, is effective for a period of five days, including the first day on which the permit is suspended. During that period, any activity regulated by this chapter is unlawful. At the end of that period, or sooner if a finding is made that the public health is no longer endangered, the permit becomes valid again unless a hearing is ordered.

(Ord. 81-56 § 1: prior code § 4737: Ord. 1189).

414-4.1011 Enforcement—Permit suspension.

Where a written complaint is filed with the health officer that some applicable law or regulation is being violated by any person, premises or operation required to be licensed under this chapter, the health officer may order a hearing, and after hearing may suspend the permit for not more than ninety days, or until the health officer is assured of compliance with applicable laws or regulations, whichever is less, and the health officer may post notice of this action in a conspicuous place. At the end of the period, or when the health officer is satisfied of compliance, the permit becomes valid again. During that period any activity regulated by this chapter is unlawful.

(Ord. 81-56 § 1: prior code § 4738: Ord. 1189).

414-4.1013 Enforcement—Permit revocation.

A permit may be revoked and confiscated if it has been suspended once and if violations of this chapter or other applicable laws or regulations or acts or omissions endangering the public health continue, or if the health officer or one of the health officer's medical deputies makes a written finding that correction of the situation is impracticable and that the public health is endangered thereby. The health officer may post notice of this action in a conspicuous place.

(Ord. 81-56 § 1: prior code § 4739: Ord. 1189).

414-4.1015 Enforcement—Hearings.

In cases of hearings under Section 414-4.1011, notice must be written and delivered to the person involved or in charge of the premises or operation at least forty-eight hours before the hearing. Other hearings ordered by the health officer must be preceded by written notice, personally delivered or mailed to the person to whom the permit was issued at the latest address on file with the health officer not less than five nor more than fifteen days before the hearing date. These hearings shall be in the main office of the county health department, unless some other location is specified in the notice. These hearings shall be conducted by the health officer or one of the health officer's medical deputies, and may not be continued or postponed for longer than ten days from the original date without consent of the permittee.

(Ord. 81-56 § 1: prior code § 4747: Ord. 1189).

414-4.1017 Enforcement—Appeals.

(a) A person objecting to or disagreeing with any decision made pursuant to Sections 414-4.403 and 414-4.605, and/or the pertinent regulations thereto, may appeal the decision to the health officer. All requests for this appeal hearing shall be in writing and must be received by the health officer within ten days after notice of the decision was mailed. All requests for the appeal hearing must be accompanied by the appropriate fee. A hearing on the appeal shall be held within fifteen days after the request for appeal is received by the health officer.

(b) Appeals may be taken from the results of any hearing held pursuant to Sections 414-4.109, 414-4.1011, 414-4.1013, 414-4.1015, and subsection (a) to the board of supervisors by a written notice of appeal stating fully the matters or action appealed from and the grounds for the appeal. The notice shall be filed with the clerk of the board within fifteen days of the action appealed from. The board shall then schedule the appeal for a hearing within thirty days of the filing of the notice of appeal.

(c) Whenever the provisions of this chapter have been incorporated by a city ordinance or code and are applicable as city regulations within the incorporated area of that city, any appeal of a decision of the health officer shall be directed to and decided by the city council of the involved city.

(Ord. 93-84, 81-56 § 1).

414-4.1019 Enforcement—Penalties.

Any person violating this chapter or regulations issued hereunder, by failing to submit plans, obtain necessary inspections and approvals, or pay fees, or by commencing or continuing construction or remodeling in violation hereof, shall pay triple the appropriate fee as a penalty and remain subject to other applicable penalties and enforcement procedures authorized by the state law and/or this code.

(Ords. 81-56 § 1, 78-43 § 3: 420-6.022(d): Ords. 73-100, 1468: prior code § 4651: Ords. 1440 § II, 640 § IV).

414-4.1021 Enforcement—Other requirements.

A permit or license issued under this chapter does not relieve the permittee or licensee from compliance with applicable federal, state, or local laws and regulations or other required permits or licenses.

(Ord. 81-56 § 1).

414-4.1023 Guarantee of performance.

(a) Performance Bond. Prior to the issuance of a permit, the applicant shall post with the health officer a cash deposit or bond guaranteeing compliance with the terms of this chapter and the applicable permit, such bond to be in an amount deemed necessary by the health officer to remedy improper work but not in excess of five thousand dollars.

(b) Continuous Performance Bond. In lieu of furnishing a separate bond for each permit as provided above, a licensed contractor may deposit with the health officer a surety bond or cash deposit in the amount of five thousand dollars, which bond or cash deposit shall be available to the county to remedy any improper work done by the contractor pursuant to any permit issued under this chapter.

(Ord. 81-56 § 1).

Article 414-4.12. Fees

414-4.1201 General.

The following nonrefundable fees shall be paid to the health officer at the time of filing for or requesting an investigation, test, inspection or permit required by this chapter. No fees are required when the health officer receives from the applicant a written statement by a district or city governing body indicating that an approved domestic water supply is available and adequate to handle the additional volume of water required for the proposed improvement.

(Ord. 81-56 § 1).

414-4.1203 Subdivisions.

The fees for a subdivision proposing to use individual water systems are:

(a) Subdivision—Site evaluation

2—4 lots, per lot	$ 60.00;
5 or more lots, maximum	300.00.
(b) For appeal (hearings called pursuant to Section 414-4.1019(b))	$100.00.

(Ord. 85-9 § 2, 81-56 § 1).

414-4.1205 Individual water system/well.

The fees for individual water systems and wells are:

(a) For layout, permit and inspection of each individual water system/well	$120.00;
(b) For review of an existing individual water system/well	60.00;
(c) For inspection for abandoning or sealing of well	60.00;
(d) For each reinspection	40.00;
(e) For each water sample report	35.00;
(f) For each water supply-nitrate analysis	45.00;
(g) For inspection for foster child homes	15.00;
(h) For appeal (hearings called pursuant to Section 414-4.1019(b))	100.00.

(Ords. 85-9 § 3, 81-56 § 1).

Chapter 414-6 TRANSPORTING WATER FOR DOMESTIC USE

Article 414-6.2. General

414-6.202 Applicability.

The provisions of this chapter supersede any inconsistent provisions elsewhere in this code, and they apply whether or not the acts are performed for compensation; but they do not apply to any person providing pure potable water for ~~his~~the person's own single-family dwelling or to water regulated by Health and Safety Code Sections 116270 ff.

(Ords. 2002-48 § 14, 77-50 § 1 (part)).

414-6.210 Definitions.

Unless otherwise specially provided, or required by the context, the following terms have these meanings in this chapter.

(Ord. 77-50 § 1 (part)).

414-6.212 Domestic use.

"Domestic use" means use for human consumption or household, and use in any facility patronized by the public.

(Ord. 77-50 § 1 (part)).

414-6.214 Health officer.

"Health officer" includes any subordinate(s) ~~she~~ the health officer designates from time to time for any or all of ~~her~~the health officer functions hereunder.

(Ord. 77-50 § 1 (part)).

414-6.216 Person.

"Person" means, in addition to the definition contained in Section 16-4.002, a public or governmental agency.

(Ord. 77-50 § 1 (part)).

414-6.218 Transport water.

To "transport water" means to move water by a water vehicle or by any other means not regulated by Health and Safety Code Sections 116270 ff., for supplying, distributing, or delivering it for domestic use.

(Ords. 2002-48 § 15, 77-50 § 1 (part)).

414-6.220 Water vehicle.

"Water vehicle" means any tank, tank truck, tank car, or other vehicle, container or conduit used to transport water.

(Ord. 77-50 § 1 (part)).

Article 414-6.4. Enforcement

414-6.402 Permit required.

No person shall transport water without having a currently valid, unrevoked, unsuspended permit hereunder.

(Ord. 77-50 § 1 (part)).

414-6.404 Investigations.

To enforce this chapter, the health officer may enter and may inspect any premises, operations, work, or thing regulated hereby, at reasonable times and with such notice to the owner, occupant, possessor, operator, applicant, or permittee, as is reasonable and practicable under the circumstances.

(Ord. 77-50 § 1 (part)).

414-6.406 Regulations.

The health officer is responsible for enforcing this chapter. ~~She~~ The health officer may, with board approval, issue regulations necessary to effect these purposes and provisions, which regulations become effective when filed with the board's clerk with proof of posting in the health department.

(Ord. 77-50 § 1 (part)).

Article 414-6.6. Permits

414-6.602 Application.

Every applicant for a permit hereunder shall file with the health officer on a form furnished and approved by the health officer~~her~~, an application therefor, containing the following information:

(1) Firm name, address and telephone number;

(2) Operator's name, home address and home telephone number;

(3) Owner of water source, name of system, location and/or identification of filling point;

(4) Name and address of laboratory performing bacteriological and chemical tests;

(5) Base location of water vehicle(s);

(6) Number of water vehicles and the make, model, year, license number of each;

(7) Description of water container(s): material, shape, capacity, number;

(8) Previous use(s) of containers;

(9) Method used to clean and disinfect containers;

(10) Name of customer(s), point(s) of discharge (address(es)), and gallons discharged.

(Ord. 77-50 § 1 (part)).

414-6.604 Fees.

(a) Fees. The applicant shall accompany the application with the following fees for the calendar year, which are not proratable, and are not refundable after a permit has been issued:

(1) Water transportation business	$100
(2) Each water vehicle	40.

(b) Penalty. Any person failing to submit an application or obtain an approval, or starting a water transportation business, contrary to the provisions of this chapter, shall pay a penalty of triple the fee(s) otherwise required plus any normal fee(s) required, and remains liable for other enforcement and punishment procedures as may be provided for.

(Ord. 77-50 § 1 (part)).

414-6.606 Permit.

(a) Issuance. The health officer shall approve, conditionally approve, or deny the application, and issue or withhold the permit accordingly, on the basis of compliance with this chapter and ~~her~~the health officer's regulations.

(b) Conditions. Conditions may include requirements for sanitizing containers, regular bacteriological and chemical testing in accordance with Division 4 of Title 22 of the California Code of Regulations, higher chlorine residual, recordkeeping, requirements for labeling containers, and others the health officer deems appropriate.

(c) Duration. Permits are not valid beginning the January 1st following their issuance.

(d) Renewal. Renewal of permits are to be processed and paid for as though they were applications for new permits.

(Ords. 2002-48 § 16, 77-50 § 1 (part)).

414-6.608 Revocation.

If the health officer determines that a permittee is violating any condition of the permittee's~~his~~ permit or any law or regulation of this state or county relating hereto, ~~she~~the health officer may revoke it after giving the permittee an opportunity for a hearing. The health officer shall notify the permittee of ~~her~~the health officer's intention to revoke, stating that the permittee has ten calendar days within which to request a hearing or the permit will be revoked. The health officer must hold a hearing within ten calendar days of a request. Service shall be personal or mail addressed to the permittee at the business address shown on the application.

(Ord. 77-50 § 1 (part)).

414-6.610 Emergency suspension.

If the health officer determines that water regulated by this chapter is polluted or contaminated in a manner that is immediately hazardous to public health, the health officer~~she~~ may immediately suspend the permit. Within forty-eight hours of revocation, the health officer~~she~~ shall serve written notice of suspension on the permittee, who may then request a hearing as in revocations; otherwise the permit is revoked.

(Ord. 77-50 § 1 (part)).

Article 414-6.8. Other Requirements

414-6.802 Equipment and treatment standards.

Every water vehicle shall meet the following requirements:

(1) The container and equipment, if they carried any substance other than safe, potable water, shall be adequately cleaned and sanitized.

(2) Water shall be chlorinated at the time the container is filled so that there will be a residual of not less than 0.5 ppm at the time of delivery or after thirty minutes, whichever is the longer time, but where necessary to protect the public health, the health officer may make conditions to require a higher chlorine residual.

(3) Tanks and containers intended to hold water intended for domestic use shall be made of nontoxic material and be so constructed that every portion of the interior can be easily cleaned.

(4) Piping, valves and permanent or flexible connections shall be made of nontoxic material and shall be accessible and easy to disconnect for cleaning purposes.

(5) The inlet and all openings to every tank or container shall be so constructed and operated as to prevent the possibility of foreign material likely to contaminate or pollute the water from entering or coming into contact with said water.

(6) Outlet connections shall be so constructed and protected that no foreign material likely to contaminate or pollute the water can come in contact with the outlet when not in use or with the water during time of delivery.

(Ord. 77-50 § 1 (part)).

414-6.804 Water quality standards and filling points.

(a) Water transported for domestic use shall be obtained only from a system operating under a valid permit from the State Department of Health Services or approved by the health officer as meeting all standards for potable water established in Division 4 of Title 22 of the California Code of Regulations.

(b) The outlet connections of filling points shall be so constructed and protected that no foreign matter likely to contaminate or pollute the water can come in contact with the outlet when not in use or with the water during the time of delivery.

(Ords. 2002-48 § 17, 77-50 § 1 (part)).

414-6.806 Records.

(a) Every person regulated by this chapter shall maintain and submit to the health officer, on demand, such records concerning water transportation as ~~she~~the health officer may require for determining compliance with this chapter.

(b) Records shall include a monthly statement containing, but not limited to, the following:

(1) Name and address of premises receiving service during the month;

(2) Total gallons of water delivered during the month;

(3) Record of the results obtained from any analysis or tests of the water performed by any state approved laboratory;

(4) Record of any changes in transportation or distribution equipment during the month.

(Ord. 77-50 § 1 (part)).

414-6.808 Vehicle identification.

The operator or owner of every water vehicle shall show plainly on both its sides in letters at least three inches high ~~his~~the operator's or owner's name and address or other information sufficient to permit identification.

(Ord. 77-50 § 1 (part)).

Division 416 ANIMALS[6]

Chapter 416-2 DEFINITIONS

416-2.002 Generally.

As used in Division 416, the following terms have the meanings set forth in this chapter, unless the context clearly requires otherwise.

(Ord. 80-97 § 2).

416-2.004 Animal services director.

"Animal services director" means the head of the animal services department and ~~his or her~~the animal services director's designated subordinates.

[6]Note(s)—Prior ordinance history for Chapters 416-2, 416-4, 416-6, 416-8, 416-10 and 416-12: Ords. 79-31; 79-17 §§ 1, 3; 76-95 § 1; 76-66; 76-51; 75-43; 75-27; 73-97; 73-75; 71-99 § 2; 70-52 §§ 1, 2, 3; 69-79; 69-77; 69-16; 67-30; §§ 32-2.636, 51-2.441, 51-2.476, 416-2.004; prior code §§ 5101(g), 5102(a), 5103(g), 5107, 5108, 5109, 5110; Ords. 1749; 1698; 1653; 1521; 1340 §§ 2G, 3, 4C, 4G, 8, 10; 1186 §§ 2G, 3, 4A, 4C, 8, 9E, 10; 549 §§ 5, 7, 12; 317; 307; 246 §§ 4, 5, 8; 159 § 1; 111 § 5, 15; 59 § 3; 53; 39; 38; 35; 24; 23; 13; 8; 7; 6; 5; 4; 3; §§ 1, 3.

(Ord. 80-97 § 2).

416-2.006 City.

"City" means any city in this county which has adopted an ordinance under Agricultural Code § 30501, requesting the application of this division within the city.

(Ord. 80-97 § 2).

416-2.008 Licensing authority.

"Licensing authority" means the authority designated by the board of supervisors by resolution.

(Ord. 80-97 § 2).

416-2.010 Owner.

"Owner" includes the legal owner, equitable owner, and any person, association, partnership, or corporation harboring or having custody or control of an animal.

(Ord. 80-97 § 2).

416-2.012 License tag.

"License tag" means a numbered tag, stamped with the name of the county, and issued by the licensing authority for the purpose of identifying the owner and the dog or cat described in the license application and worn by that dog or cat.

(Ord. 80-97 § 2).

416-2.014 Veterinarian.

"Veterinarian" means a person authorized to practice veterinary medicine in California.

(Ord. 80-97 § 2).

416-2.016 Wild or exotic animal.

"Wild animal" or "exotic animal" means any of the following:

(1) Any animal described in California Fish and Game Code Sections 2116 and 2118;

(2) Any animal described in any addition to Fish and Game Code Section 2118 by regulation of the Fish and Game Commission as provided in Section 2118(j);

(3) Class Aves: (birds)

  (a) Order Falconiformes (including, but not limited to, hawks, eagles, and vultures),

  (b) Subdivision Ratitae (including but not limited to, ostriches, rheas, cassowaries, and emus);

(4) Class Reptilia: (snakes, lizards, turtles, alligators)

(a) Order Ophidia (including, but not limited to; racers, boas, water snakes, and pythons) over six feet long,

(b) Order Loricata (including, but not limited to, alligators, caymans, and crocodiles) over twelve inches long;

(5) Any class, order, family, genera, or species of wild animals which may be designated by the animal services director as a menace to public peace, health or safety, or to native wildlife or agricultural interests, by written designation filed with the clerk of the board of supervisors;

(6) Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to create or constitute a nuisance or, in any event, a likelihood of danger to such animals, other animals, the environment or the persons or property of human beings;

(7) Any species of animal which is venomous to human beings, whether by bite, sting, touch or otherwise, except honey-producing bees.

(Ord. 80-97 § 2).

Chapter 416-4 GENERAL PROVISIONS

Article 416-4.2. Control

416-4.202 Animal services director.

(a) The county's animal control activities are functions of the animal services department under the animal services director. The animal services director shall supervise, control and report concerning such activities as provided in this Ordinance Code and in Chapters 1 and 2 of Division 2 of the Food and Agricultural Code (Sections 2001 ff); and the animal services director ~~he or she~~ is the appointing authority for the other positions in the department.

(b) The animal services director is authorized to adopt regulations to interpret and carry out the provisions of Division 416 of this code.

(c) The animal services director may adopt regulations exempting:

(1) Handicapped people and animals being raised, trained or used to aid handicapped people;

(2) Police dogs on duty;

(3) Persons participating in animal rescue programs; from specific requirements of Division 416 of this code.

(Ord. 80-97 § 2).

416-4.204 Officers' status, weapons and arrests.

The animal services director and the subordinate animal control officers, when acting in the course and scope of their employment, are as a class designated as entitled to carry weapons within the meaning of Penal Code Section 12031, and as public officers for the purposes of enforcing all laws on animal control, and they are authorized to arrest persons for violation of these laws pursuant to Section 14-2.203.

(Ord. 80-97 § 2).

416-4.206 Statutory provisions incorporated by reference.

The provisions of Agricultural Code Sections 30801, 30802, 30803, 30804, 30805, 30952, 31107, 31108, 31251, 31252 and 31254 are incorporated in this division by reference, and by express adoption of the substance of some of them herein, pursuant to Agricultural Code Section 30501 (and this adoption includes subsequent amendments and successors thereto); but if it is held invalid to thus directly include the substance of these statutory provisions in Division 416, they are incorporated herein by reference.

(Ord. 80-97 § 2).

416-4.208 Application to cities.

Division 416 applies to any city in this county which:

(1) Contracts with Contra Costa County for animal services; and

(2) Adopts an ordinance implementing Food and Agricultural Code Section 30501 and the provisions of Division 416 in the city.

(Ords. 85-23 § 2, 80-97 § 2).

416-4.210 Animal services director decision final.

Whenever in this division the animal services director is authorized to make a determination or take administrative action, such determination or action shall be final and conclusive and shall not be subject to appeal under Chapter 14-4.

(Ord. 83-10 § 1).

Article 416-4.4. Restraint

416-4.402 Animals at large.

(a) No person owning, possessing, harboring, or controlling an animal may allow the animal to be at large.

(b) As used in this section, an "at large" animal means any of the following:

(1) A dog that is on public property or common areas of private property and is not under effective restraint of a leash. A dog is not "under effective restraint of a leash" if the leash: (A) is not made of sufficient material and strength to restrain the dog; (B) is longer than six feet; (C) is extendable or retractable; or (D) is not held in a manner that prevents the dog from being at large or causing injury to another animal or person. A dog is not required to be under restraint by a leash if the dog is on private property owned by, or in the possession of, the person owning or controlling the dog.

(2) An animal other than a dog or a cat that is not in the immediate presence and under the effective control of a person.

(3) An animal that is tethered or leashed: (A) for longer than fifteen minutes on any street or other public place not set aside for tethering or leashing; or (B) in such a way as to block a public walkway or thoroughfare.

(4) An animal on private property or in any public building without the consent of the owner or occupant.

(5) An animal in any place or position with the capacity to injure persons or property.

(6) An animal that fights, bites, or causes harm to a person or other animal unless the person or other animal has entered, without permission, private property owned by or in the possession of the person owning or controlling the offending animal and the private property is properly fenced and posted as to the presence of the offending animal.

(7) An animal that: (A) is not on the private property owned by, or in the possession of, the person owning or controlling the animal; and (B) is not wearing a required license tag.

(8) An animal that is left at any place without provision for its care.

(c) Exemptions. A working, hunting, obedience, tracking, or show dog that is performing acts such as herding and is under the control and supervision of the dog's owner or handler is not "at large" while performing these acts. Dogs being exercised under the control of their owners in public areas designated for animal exercise are not at large.

(d) Females in Heat. In the case of female dogs or cats in heat and for the purposes of Food and Agricultural Code Section 30954, "at large" means outside a house, vehicle, or other secure enclosure adequate to prevent unplanned male access.

(e) Animals in Vehicles.

(1) A dog or other animal in or on a vehicle is deemed to be on the property of the vehicle's operator. Except as otherwise provided in Vehicle Code Section 23117, no dog or other animal may be transported on any public thoroughfare in a vehicle unless the dog or animal is: (A) totally enclosed within the vehicle; (B) within a secured container carried on the vehicle; or (C) securely cross-tethered to the vehicle to prevent the animal from falling out of or off the vehicle and to prevent injury to the animal.

(2) No dog or any other animal may be left completely enclosed in a parked vehicle without adequate ventilation, or left in such a way that subjects the animal to high temperatures that negatively affect the animal's health and welfare.

(Ords. 2021-13 § II, 4-27-21; Ord. 80-97 § 2).

416-4.404 Abandonment.

No owner of an animal shall abandon it.

(Ord. 80-97 § 2).

416-4.406 Prohibition.

No animal services officer shall act in violation of Government Code Section 53074.

(Ords. 83-10 § 2, 80-97 § 2).

Article 416-4.6. Enforcement

416-4.604 Penalties.

(a) Notwithstanding Section 14-8.004, and pursuant to Food and Agriculture Code Section 31401, violations of Division 416 of this code, excepting Chapter 416-10 and Article 416-12.2, are punishable by a fine of not more than fifty dollars for the first offense, and not more than one hundred dollars for the second or subsequent offense.

(b) Notwithstanding subsection (a) above, violation of section 416-4.404 Abandonment, excluding abandonments under Section 416-8.014, is a misdemeanor and punishable as such.

(Ords. 97-3 § 2; 80-97 § 2).

Article 416-4.8. Administrative Penalties

416-4.802 Applicability and Authorization.

(a) This article provides for administrative fines that the animal services department may impose, enforce, and collect to address any violation of this division.

(b) Remedies under this article are in addition to any other remedy allowed by this code or applicable law.

(c) This article is authorized by California Government Code Section 53069.4.

(Ord. No. 2017-12, § III, 6-6-17)

416-4.804 Definitions.

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

(a) "Complainant" means a person who reports a violation of any section of Division 416 to the department.

(b) "Department" means the animal services department.

(c) "Effective date" means the date by which a violation must be corrected, as specified in a notice of violation.

(d) "Hearing examiner" means the animal services director, or the animal services director's designee.

(e) "Responsible Person" means any of the following:

(1) A person who possesses, has title to, has an interest in, or has control, custody or possession of an animal or the property on which an animal is kept.

(2) A person who allows, or whose agent, employee, or contractor allows, a barking dog or other noisy animal violation to exist, whether through action, failure to act, or failure to exercise control over a barking dog or other noisy animal.

(3) For purposes of this article, there may be more than one responsible person for a barking dog or other noisy animal violation.

(f) "Service date" means the date a notice or decision is served in accordance with Section 416-4.816.

(Ord. No. 2017-12, § III, 6-6-17)

416-4.806 Administrative Fines.

(a) Notice of violation. If a violation is a continuing violation, such as the failure to obtain a dog or cat license, the department will first serve a notice of violation on the responsible person as specified in Section 416-4.816. The notice of violation will include all of the following information:

(1) The date of the violation.

(2) The name of the responsible person.

(3) The address or location where the violation occurred.

(4) The code section(s) violated and a description of the violation.

(5) Whether the violation(s) were established by inspection or by complaint, if applicable.

(6) A description of how the violation can be corrected.

(7) A specified time period of at least ten calendar days, beginning on the service date, within which the violation must be corrected.

(8) An advisement that the owner may be subject to an administrative fine under this article if the violation is not corrected by the effective date, and the amount of that fine.

(b) The department may impose an administrative fine on a responsible person if any of the following occur:

(1) The violation is not a continuing violation, such as a violation of the animal noise ordinance.

(2) The continuing violation has not been corrected in the time period specified in the notice of violation.

(3) The continuing violation was corrected as specified in the notice of violation, but a violation of the same section continues, exists, or occurs within one year after the effective date.

(c) Notice of fine. An administrative fine will be assessed by means of a notice of fine. The responsible party will be served with the notice of fine as specified in Section 416-4.816. The notice of fine will include all of the following information:

(1) The date of the violation.

(2) The code section(s) violated and a description of the violation.

(3) The amount of the fine.

(4) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.

(d) For a continuing violation, the amount of the fine is one hundred dollars for the first notice of fine. If the owner fails to correct the violation after the first notice of fine, and a second notice of fine is issued in the same year, the amount of the fine in the second notice is two hundred dollars. If the owner still fails to correct the violation after the second notice of fine, the amount of the fine is five hundred dollars for each additional notice of fine that is sent within one year.

(e) If the violation is not a continuing violation, the amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same section within one year, and five hundred dollars for each additional violation of the same ordinance within one year.

(Ord. No. 2017-12, § III, 6-6-17)

416-4.808 Hearings.

(a) Any person upon whom an administrative fine is imposed by the department may request a hearing pursuant to the procedures set forth in this section. The appellant must file a written appeal with the department within fifteen calendar days after the service date of the notice of fine. The written appeal must contain:

(1) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and

(2) A brief statement of the material facts that the appellant claims supports ~~his or her~~the appellant's contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.

(b) Notice of the hearing will be served on the appellant and the complainant, if any, as specified in Section 416-4 .816. The department will set the hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of hearing.

(c) The hearing of an administrative fine imposed for violations of this division will be heard by the hearing examiner.

(d) At the hearing, the appellant and complainant, if any, will be given the opportunity to testify, and present written and oral evidence.

(e) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.

(f) Where applicable, a complainant's failure to appear at the hearing shall constitute an abandonment of the complaint and shall be grounds for a dismissal of the administrative fine.

(g) After considering the testimony and evidence submitted at the hearing, or after the appellant or complainant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in Section 416-4.816.

(Ord. No. 2017-12, § III, 6-6-17)

416-4.810 Final Administrative Order.

The imposition of the administrative fine becomes a final administrative order at one of the following times:

(a) On the date the notice of fine is served, if the responsible party fails to file a written appeal to the department within the time specified.

(b) On the date the written decision by the hearing examiner is served, if the responsible party files a written appeal to the department within the time specified.

(Ord. No. 2017-12, § III, 6-6-17)

416-4.812 Payment of the Fine.

The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this article does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(Ord. No. 2017-12, § III, 6-6-17)

416-4.814 Collection.

If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

(a) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure Section 1033.5.

(b) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure Section 680.010 et seq.

(Ord. No. 2017-12, § III, 6-6-17)

416-4.816 Service.

All notices or decisions required to be served by this article will be served by any of the methods specified below:

(a) First class mail. First class mail will be addressed to the responsible person at the address shown on the last equalized assessment roll, at the address where the violation occurred, or as otherwise known. Service is deemed completed upon the deposit of the notice or decision, postage pre-paid, in the United States mail.

(b) Personal service. Personal service is deemed complete on the date the notice or decision is personally served on the responsible person.

(Ord. No. 2017-12, § III, 6-6-17)

416-4.818 Judicial Review.

A final administrative order may be appealed to the superior court of the county in accordance with the provisions set forth in Government Code Section 53069.4.

(Ord. No. 2017-12, § II, 6-6-17)

Chapter 416-6 INDIVIDUAL LICENSES

Article 416-6.6. Reserved

Article 416-6.0. Licenses

416-6.002 Dog and cat licenses.

(a) Every person owning, possessing, harboring, or having custody of any dog over four months old shall annually obtain a license and pay a license fee.

(b) Every such person shall obtain a license within thirty days after a dog reaches the age of four months.

(c) Every such person shall obtain a license within thirty days after acquiring a dog over four months old.

(d) Any added late fee shall be charged for late licensing.

(e) Any person may voluntarily license any domestic cat subject to proper application and payment of the required license fee.

(f) Any person who transfers any licensed dog or cat to another person and any person who acquires a licensed dog or cat must give written notice of the name and address of the person to whom possession is transferred and of the person acquiring such animal, and the license tag number, to the animal services department within thirty days.

(g) No person shall own, possess, harbor, or keep any dog over four months old without a license for which all fees have been paid; but this does not apply during the thirty-day grace period under subsections (b) and (c) of this section.

(Ord. 80-97 § 2).

416-6.004 Exemptions.

(a) Nonresidents. The provisions of this article shall not apply to dogs or cats whose owners are nonresidents temporarily within the county for thirty days or less, nor to dogs or cats brought into the county to participate in any dog or cat show or field trial.

(b) Individuals With Disabilities. Dogs being raised, trained and used to aid individuals with disabilities shall be licensed without fee.

(c) Government. Dogs owned or used by the county, municipal corporations, or other public agencies shall be licensed without fee.

(Ord. No. 2016-02, § II, 1-12-16; Ord. 80-97 § 2).

416-6.006 Tags.

The licensing authority shall issue dog or cat license tags, stamped or imprinted with the name of the county of Contra Costa and an identification number.

(Ord. 80-97 § 2).

416-6.008 Applications.

(a) Application for dog or cat licenses shall be made in writing to the licensing agency on forms approved by the licensing agency, and shall include for each animal: name and address of owner; age, sex, color, breed, and description of the animal; and current rabies certificate issued by an authorized veterinarian. In addition, the applicant shall certify to receipt of a copy of Article 416-4.4 of this division.

(b) Tag Numbers. The licensing authority shall enter on the application the number of the license tag issued. All applications shall be kept on file in an office of the licensing authority, open to public inspection during the term of the licenses applied for.

(Ord. 80-97 § 2).

416-6.010 Lost tags.

Whenever a license tag has been lost or destroyed, a duplicate shall be issued by the licensing authority upon payment of the established fee.

(Ord. 80-97 § 2).

416-6.012 Periods.

(a) Licenses are valid for time periods specified by the board of supervisors.

(b) License fees are due and payable at times specified by the board of supervisors.

(c) Late fees accrue if a license fee is not paid within thirty days after it is due and payable.

(Ord. No. 2019-32, § II, 11-19-19; Ord. 80-97 § 2).

416-6.014 Fees.

License fees, late fees and replacement fees shall be established by resolution of the board of supervisors.

(Ord. 80-97 § 2).

416-6.016 Prohibition.

No person may use any license for any animal other than the animal for which it was issued.

(Ord. 80-97 § 2).

Article 416-6.2. Multiple Pet Licenses

416-6.200 License required.

(a) No more than three dogs and no more than five cats over six months of age, may be kept, harbored, possessed or maintained for more than thirty days in a single dwelling or business unit without a multiple pet license in an area zoned for uses other than agriculture.

(b) No more than twenty dogs and no more than twenty cats over six months of age, and no dogs or cats for commercial purposes may be kept, harbored, possessed or maintained in any single dwelling or business unit without a kennel license. Commercial purposes shall include but not be limited to: boarding, training, or wholesaling of animals; but, shall not be construed to mean the sale of individual animals to private owners.

(Ord. 80-97 § 2).

416-6.202 Applications.

(a) Application for a multiple pet license shall include an application fee and shall be made in writing to the animal services director, who shall issue the license when the application is approved.

(b) Application for a kennel license shall include an application fee and shall be made in writing to the director of planning, who shall issue the license jointly with the animal services director if the application is approved.

(c) The director of planning and the animal services director may jointly or severally promulgate regulations governing the application for, and issuance of, kennel licenses.

(d) Applications for multiple pet licenses or kennel licenses shall show that the following conditions have been met:

(1) Facilities exist at the location to adequately secure, feed, house and maintain the animals;

(2) Possession and maintenance of the animals at the location has not resulted in, and is not likely to result in the animals being subjected to neglect, suffering, cruelty or abuse;

(3) Neither the applicant, the owner, nor the possessor of the animals has had a county license revoked, or been convicted for a violation of this division or any law regulating animals within one year;

(4) All dogs maintained under a multiple pet license shall be confined on the premises and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, exercised, tried, worked, hunted, or trained under the owner's control.

The required showing may be made by declaration under penalty of perjury.

(e) Each application for a multiple pet license or kennel license must list every dog to be included. An updated list shall be submitted to the animal services director upon application for a renewal of a multiple pet license. Each application must also include a current rabies immunization certificate issued by an authorized veterinarian for every dog listed.

(Ord. 80-97 § 2).

416-6.204 License approval.

(a) At the receipt of a complete application for a multiple pet license, the animal services director may investigate the application including investigation of the premises at which the animals will be kept prior to the approval of the application.

(b) In the case of kennels, after receipt of a complete application the animal services director or the director of planning may investigate the application including the premises on which the kennel will be operating, and shall ascertain that the kennel is authorized by a land use permit prior to approval of the application.

(c) The animal services director or the director of planning may require such information pertinent to the keeping of the animals from an applicant as they deem necessary with respect to their action on a multiple pet or kennel license application or renewal application.

(d) The animal services director or the director of planning may impose conditions on the approval or renewal of any multiple pet or kennel license. Such conditions must be in writing and must serve animals, or the public health, welfare, convenience or necessity.

(e) Prior to the denial of any multiple pet license or renewal thereof, or any approval to which conditions are attached, the animal services director shall notify the applicant in writing of the intended action. Any conditions to be attached to an approval or renewal shall be specified in the notice. The applicant, in writing,

may request a hearing before the animal services director within five days after receipt of such notice if ~~he/she~~the applicant wishes to contest a decision of denial or approval with conditions. If the applicant requests a hearing, the animal services director shall give the applicant no less than five days' notice, in writing, of the time and place of such hearing, by mail. After hearing, the animal services director shall determine whether the license should be issued, issued subject to conditions, or denied.

(f) A multiple pet license shall be renewed without review upon the filing of a complete application and payment of the necessary fees unless renewal has been protested or the animal services department has received or lodged two or more complaints concerning the licensed location within the last year.

(Ord. 80-97 § 2).

416-6.206 Periods.

Multiple pet licenses and kennel licenses shall be valid for such periods not less than one year, and the license fees shall become due and payable at such times, as shall be determined by resolution of the board of supervisors.

(Ord. 80-97 § 2).

416-6.208 Fees.

Multiple pet license fees, kennel license fees, application fees, and late license fees shall be established by resolution of the board of supervisors. Separate fee schedules may be established for dog enthusiasts or cat fanciers.

(Ord. 80-97 § 2).

416-6.210 Exemptions.

Multiple pet license fees and kennel license fees shall not be charged to veterinary hospitals, except when such hospitals offer boarding or breeding services separately from veterinary medical services.

(Ord. 80-97 § 2).

416-6.212 Late fees.

(a) Late fees accrue if a person does not obtain a multiple pet license or a kennel license within thirty days after keeping, harboring, possessing, or maintaining animals in excess of the numbers specified in this article.

(b) Late fees accrue if a renewal license is not paid within thirty days after it is due and payable.

(Ord. No. 2019-32, § III; 11-19-19; Ord. 80-97 § 2).

416-6.214 Dog tags.

Any dog for which a license is required and which is covered under a multiple pet or kennel license, which is removed for more than one day from the licensed premises, shall wear its current, valid license tag unless performing in the capacity of hunting, working, obedience, tracking or showing.

(Ord. 80-97 § 2).

416-6.216 Breeding limitation.

(a) No person, except as provided below, shall allow the parturition and rearing of more than one litter of dogs and one litter of cats in any one calendar year.

(b) Persons holding multiple pet or kennel licenses may allow the parturition and rearing of no more than one litter per ~~bitch~~female dog registered by a nationally recognized dog registering body and one litter per female cat ~~queen~~ registered by a nationally recognized cat registering body, in any one calendar year.

(Ord. 80-97 § 2).

416-6.218 Existing licensees.

Persons holding dog fancier licenses or commercial kennel licenses on the effective date of Ordinance 80-97 are entitled to a multiple pet license, and persons holding a commercial kennel license on the effective date of Ordinance 80-97 are entitled to a kennel license, without prior approval, upon filing complete application documents and tendering the required fees.

(Ords. 83-10 § 3, 80-97 § 2).

Article 416-6.4. License Revocation

416-6.400 License revocation.

(a) A license may be revoked by the animal services director on one or more of the following grounds:

(1) Falsification of facts in the license application;

(2) Violation of any provisions of this division or any California state law, statute, rule, order or regulation governing the activity for which the license was issued;

(3) Conviction of cruelty to animals in this or any other state;

(4) Failure to meet and maintain the conditions of the license;

(5) Inhumane and/or cruel treatment of animals;

(6) Violations of health and sanitation codes.

(b) Prior to revocation of a license, the animal services director shall hold a public hearing to determine whether the grounds described in subsection (a) of this section exist.

(c) At least ten days prior to hearing the animal services director shall mail or otherwise deliver to the possessor of the animals a notice containing a statement of the charges supporting license revocation and/or impoundment and notice of the time and place of hearing before the animal services director as to the truth of the charges.

(d) If the animal services director determines, after hearing, that charges supporting such action are true, ~~he/she~~the animal services director may revoke the license and may impound any animals covered under such license.

(e) On revocation of license, if the cause is not inhumane treatment of animals or violation of health and sanitation codes, the owner of the license so revoked shall have a sixty-day grace period prior to the effective date or revocation to attempt to find new adoptive owners for the animals involved.

(f) If a license has been denied or revoked for cause, the animal services director shall not accept a new application by the same person less than twelve months after such denial or revocation unless the applicant affirmatively shows, and has verified by the animal services director, that the grounds upon which the first license or application was denied or revoked no longer exist.

(g) On revocation of license, no part of the license fee shall be refunded.

(h) Evidence must be relevant, noncumulative, and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. Written statements by a county officer or employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting in the course and scope of their official duties or employment, written records of the animal services department, and statements under penalty of perjury may be accepted as evidence that the fact(s) or condition(s) expressed therein do or do not exist.

(Ords. 83-10 § 4, 80-97 § 2).

416-6.402 Inspection.

For the sole purposes of determining inhumane treatment of animals and/or violations of state and local health and sanitation laws, the animal services director, upon reasonable notice and having in the animal services director's~~his/her~~ possession a search warrant, shall be permitted to inspect all animals, and the premises so specified in said search warrant at which any such animal(s) are kept, harbored, possessed or maintained.

(Ord. 80-97 § 2).

416-6.404 Documents.

(a) The animal services director may require any person owning, possessing, harboring, or controlling any animal for which a license or permit is required under Division 416 to produce any required license, permit, or certificate of rabies vaccination for inspection.

(b) Any person subject to the provisions of subsection (a) of this section who fails to produce a required license, permit, or certificate of rabies vaccination for inspection by the animal services director after a demand for inspection, is in violation of this Ordinance Code.

(Ord. 80-97 § 2).

Article 416-6.6 Reserved

Editor's note(s)—Ord. No. 2017-12, § II, adopted June 6, 2017, repealed art. 416-6.6, §§ 416-6.600—416-6.16, in its entirety. Former art. 416-6.6 pertained to "Administrative Penalties," and was derived from Ord. No. 2014-14, § II, adopted September 23, 2014.

Chapter 416-8 IMPOUNDMENT

416-8.002 Impoundment required.

(a) Except as otherwise provided in this chapter, all animals, including dogs and cats, that are abandoned, found at large, taken into custody by the animal services director, or otherwise found to be in violation of Division 416 of this code, will be taken up and impounded, and are subject to destruction by humane injection.

(b) A person who finds a stray domestic animal at large, whose owner is unknown or cannot be immediately contacted, may temporarily retain and care for that animal. Within eight hours after finding the animal, or as soon as the animal services department opens for business if the department is closed when the animal is found, the person retaining the animal must: (A) notify the animal services department that they have the animal in their possession; (B) provide to the department a description and photograph of the animal; (C) have the animal scanned for a microchip; and (D) state their name, where the animal was found, and where the animal will be held until its owner is located.

(c) The finder of an at-large animal is obligated to provide the animal humane treatment.

(d) When the owner of a found animal is located, the person holding the animal shall either immediately surrender the animal to the animal services department for impoundment or return the animal to the owner. The finder shall not charge the owner for compensation except to recover a reasonable charge for saving and taking care of the animal as permitted by Civil Code Section 2080. If no owner is located within 30 days, or the owner does not claim the animal within the time provided in Section 416-8.006, then the finder may claim ownership of the animal or provide the animal for adoption by a new owner.

(Ord. No. 2021-13, § III, 4-27-21; Ord. 80-97 § 2).

416-8.004 Exceptions.

The animal services director shall not impound any animal (including fowl) not otherwise in violation of Division 416, staked or tied for grazing on private property or any fowl at large on private property except on the complaint of the owner or occupant of the property, or of any other property, if the complainant~~he~~ claims injury.

(Ord. 80-97 § 2).

416-8.006 Holding period—Notice.

(a) Impounded animals shall be kept at a facility of or authorized by the animal services department for the time required by the Food and Agriculture Code, including Sections 31128, 31752, and 31753, except for rabies control purposes and as follows:

(1) Impounded stray dogs or cats with valid licenses shall be held 10 days after written notice is mailed or otherwise given to the owner, if the owner is identified.

(2) Impounded stray horses, mules or burros shall be held for five days. These animals, if unclaimed after that period, shall be disposed of in such a manner as the board of supervisors specifies by resolution. Bovines shall be delivered to a state inspector as provided in Food and Agriculture Section 17061.

(b) An animal found at large and retained under Section 416-8.002(c) shall not be deemed impounded unless the finder has delivered the animal to the animal services department.

(c) If the owner of an impounded animal, other than a dog or cat with a valid license, is identified, the animal services department will notify the owner by telephone or mail within two days after the animal is identified and will hold the animal for at least five days (excluding Saturdays, Sundays, and holidays when the animal services department is closed) after notice is mailed or otherwise given.

(d) If the finder of an at large animal, as provided in Section 416-8.002(c), identifies the animal's owner, then the finder shall either: (A) notify the owner of the animal's location within two days after identifying the owner; or (B) notify the animal services department of the owner's identification, and the department shall then notify the owner.

(e) The animal services director may dispose of an animal unclaimed after the holding period expires by humanely destroying the animal by injection, transferring the animal to an animal-related nonprofit organization, or by placing the animal in an adoptive home. No live animal shall be released for teaching or experimental purposes.

(Ord. No. 2021-13 § IV, 4-27-21; Ord. 80-97 § 2).

416-8.008 Summary destruction.

The animal services director may, without waiting for the holding periods to elapse, cause any impounded animal to be destroyed when such an animal is severely injured, or infected with a dangerous or communicable disease, and only after reasonable efforts under the circumstances have been made to apprise the owner of such animal, if such owner can be reasonably identified, of the condition of the animal.

(Ord. 80-97 § 2).

416-8.010 Owner claims.

(a) The owner of any impounded animal is liable for all accrued impoundment fees. The owner of any impounded animal may claim it from the animal services department before its destruction, sale, or other disposition, after obtaining all required licenses and permits and paying all accrued impoundment fees.

(b) If the owner claims that an animal was unlawfully impounded, the owner may request a hearing which shall be provided by the animal services director within three working days of such request. The animal services director shall hear the evidence and argument of the owner and make such further investigation as is deemed appropriate. The animal shall be released to the owner without payment of fees or penalties, except applicable to license or permit fees, if the animal services director concludes there is reasonable doubt as to the lawfulness of the impoundment. No fees shall be charged on account of continued impoundment after a hearing has been requested.

(Ord. 80-97 § 2).

416-8.012 Impoundment fees.

Impoundment fees shall be established by resolution of the board of supervisors. The board of supervisors shall establish additional fees payable in the case of animals reclaimed for a second time within a twelve-month period and further additional fees payable in the case of animals reclaimed three or more times within a twenty-four month period. As to the additional fees, an owner is entitled upon request to a hearing as provided in Section 416-8.010(b).

(Ord. 80-97 § 2).

416-8.014 Abandonment.

The refusal or failure of the owner of any animal to apply for all required licenses or permits, and to pay all applicable license, permit, and impoundment fees, within ten days after notice of impoundment is mailed to such owner's last known address or otherwise given to such owner, constitutes abandonment and relinquishment of the owner's rights to the county.

(Ord. 80-97 § 2).

416-8.016 Adoption.

(a) The department may put an impounded animal up for adoption if the animal services director finds that allowing the animal to be adopted is not contrary to law, department policy, or the public interest. A dog or cat may be adopted solely for the purpose of serving as a pet and only after the animal has been licensed, neutered or spayed, and vaccinated against rabies.

(b) If the owner of a found animal is not located, and the finder of the animal, as provided in Section 416-8.002(c), is an animal-related nonprofit organization that identifies a person willing to adopt the animal, then the finder must provide all appropriate vaccinations to the animal, implant a microchip in the animal, spay or neuter the animal, and provide license information to the new owner at the time of adoption. The finder may pass along the costs incurred for these procedures to the new owner.

(c) Fees for the adoption of animals from the animal services department will be established by resolution of the board of supervisors.

(Ord. No. 2021-13 § V, 4-27-21; Ord. 80-97 § 2).

416-8.018 Spaying and neutering impounded dogs prior to release.

(a) Unlicensed Dogs. Any unlicensed, unaltered dog impounded under Section 416-8.002 must be spayed or neutered prior to its release from the animal services department unless the dog is exempted from the license requirements under subsection (a) of Section 416-6.004 or has a medical exemption under subsection (d) of this section.

(b) Licensed Dogs—First Impoundment Within a Three-Year Period. Any licensed, unaltered dog impounded under Section 416-8.002 will be released intact from the animal services department on the first occasion the dog is impounded within a three-year period.

(c) Licensed Dogs—Second Impoundment Within a Three-Year Period. Any licensed, unaltered dog impounded under Section 416-8.002 a second time within a three-year period must be spayed or neutered prior to the dog's release from the animal services department unless the dog has a medical exemption under subsection (d) of this section.

(d) Medical Exemption. The animal services department will release intact any unaltered dog impounded under Section 416-8.002 that cannot be spayed or neutered due to a medical condition that is confirmed by a veterinarian licensed to practice veterinary medicine in the state of California. Before releasing the dog, the animal services department will issue the dog's owner a written notice requiring the owner to spay or neuter the dog and provide proof of correction within two months of the date of the notice. The animal services department may extend the two-month correction period if, based on the opinion of a veterinarian licensed to practice veterinary medicine in the state of California, the medical condition continues to prevent the dog from being spayed or neutered. The dog's owner shall be responsible for paying the costs of any medical examinations rendered pursuant to this section.

(Ord. No. 2011-08, § II, 5-17-11)

416-8.020 Impounded dogs and cats must be implanted with microchip identification at time of release.

(a) Microchip Identification Required at Time of Release. All dogs and cats impounded under Section 416-8.002 must be implanted with microchip identification before being released from impoundment to their owners.

(b) The animal services department will perform the microchip implantation procedure, at the owner's expense, on any dog or cat that does not already have microchip identification before the dog or cat is released from impoundment to its owner.

(c) Microchip Implantation Fee. The fee for a microchip implantation procedure performed under subsection (b) will be the microchip fee amount listed in the animal services department's fee schedule.

(Ord. No. 2011-09, § II, 5-17-11)

Chapter 416-10 RABIES CONTROL

416-10.002 Rabies impoundment.

All dogs in violation of the Rabies Control Act (Division 3, Chapter 3, Article 1 [§§ 1900 — 1922] of the Health and Safety Code) and all animals subject to the provisions of this chapter shall be quarantined or impounded, and are subject to destruction in some humane manner or to other disposition as provided in this chapter.

(Ord. 80-97 § 2).

416-10.004 Responsibility of health officer.

The county health officer shall supervise rabies control. If ~~he/she~~the county health officer finds that rabies exists in this county, ~~he/she~~the county health officer shall take the control measures that ~~he/she~~the county health officer finds necessary and proper to abate the condition; and ~~he/she~~the county health officer may quarantine any animal to protect the public health. All county officers and employees, including the animal services director, shall cooperate with and assist the health officer in carrying out any measures necessary for rabies control.

(Ord. 80-97 § 2).

416-10.006 Suspected rabies.

(a) Knowledge and Report. If the owner and/or keeper of any animal observes or learns (from any source whatsoever) that the animal shows symptoms of rabies, that person shall immediately confine the animal in a veterinary hospital, an animal services department facility, or other adequate facility; including the owner's premises if approved by the animal services director; notify the animal services director, and make the animal available to the animal services director for examination and/or confinement.

(b) Examination. The animal services director shall cause the animal to be examined by a veterinarian.

(c) Confinement. If the animal services director, on the advice of a veterinarian, deems it advisable for the protection of the public health, ~~he/she~~the animal services director shall have the animal confined in a veterinary hospital, an animal services department facility, or other adequate facility, and shall keep the health officer advised of the animal's condition.

(d) Release. No person shall release any animal so confined until release is authorized by the animal services director.

(e) Charge. The animal's owner shall be charged for all costs incurred or fees applicable with respect to examination or confinement of the animal.

(Ord. 80-97 § 2).

416-10.008 Bites.

(a) Knowledge and Report. If the owner and/or keeper of any animal knows or learns from any source whatsoever, that the animal has bitten any person, any other animal, or has been bitten by another animal having rabies or reasonably suspected of having rabies, such owner or keeper shall immediately confine the animal in a veterinary hospital, an animal services department facility, or other adequate facility; notify the animal services director, and shall make the animal available to the animal services director for examination and/or confinement. The victim of such biting shall report the incident to the animal services director where the owner or keeper of the animal is unknown, or where the owner or keeper is unable or refuses to make the required report.

(b) Examination. The animal services director may cause the animal to be examined by a veterinarian.

(c) Confinement. The animal services director shall confine or have the animal confined in a veterinary hospital, an animal services department facility, or other adequate facility for the period prescribed by state law, and shall keep the health officer advised of the animal's condition.

(d) Release. No person shall release any animal so confined until release is authorized by the animal services director.

(e) Charges. The animal's owner shall be charged for all costs incurred or fees applicable with respect to examination or confinement of the animal.

(Ord. 80-97 § 2).

416-10.010 Rabies reports.

(a) Rabies is declared to be a reportable disease. Every veterinarian practicing in this county and every person providing professional medical treatment for animal bite by an animal of a species subject to rabies shall immediately notify the health department whenever rabies is suspected.

(b) Every veterinarian practicing in this county shall provide the animal services director with a copy of every rabies immunization certificate ~~which he/she~~that the veterinarian issues.

(Ord. 80-97 § 2).

416-10.012 Violation.

Violation of this chapter, except for the provisions of Section 416-10.010(b), is a misdemeanor. Violation of Section 416-10.010(b) is subject to Article 416-4.6 of this division.

(Ord. 80-97 § 3).

Chapter 416-11 WILD OR EXOTIC ANIMALS

416-11.002 Registration required.

All persons owning, maintaining, or possessing any wild or exotic animal must register such animal with the animal services director.

(Ord. 80-97 § 2).

416-11.004 Registration form.

All persons registering a wild or exotic animal with the animal services director shall submit the following information on a form provided by the animal services department:

(1) The true name and address of the owner or possessor of such animal(s), and the names and addresses of two persons who may be contacted in case of emergency;

(2) The number and true scientific name(s) of the type(s) of wild or exotic animal(s) for which registration is requested;

(3) The address or place where the animal(s) will be located;

(4) The purpose for which the animal(s) will be possessed;

(5) If the animal(s) are described in Fish and Game Code § 2118, a copy of a current, valid permit from the state of California for possession of such animal(s);

(6) Any other information as the animal services director may require;

(7) There shall be no fee for registration of wild or exotic animals.

(Ord. 80-97 § 2).

416-11.006 Impoundment.

Any wild or exotic animal in this county which is at large, or for which the animal services director does not have a current registration, is subject to impoundment under the provisions of Chapter 416-8, at the discretion of the animal services director, or to summary destruction if the animal services director concludes that the animal poses a threat to public health and safety and cannot be immediately and safely impounded.

(Ord. 80-97 § 2).

416-11.008 Sale of wild animals.

Any person who transfers or sells any wild or exotic animal to another person in this county must give written notice of the name and address of the person to whom possession is transferred and of the person acquiring such animal to the animal services director within thirty days.

(Ord. 80-97 § 2).

416-11.010 Exemptions.

Any museum, educational institution or scientific research organization with a valid permit from the state or federal government for ownership, harboring or maintenance of wild or exotic animals is exempt from the provisions of this chapter.

(Ord. 80-97 § 2).

Chapter 416-12 MISCELLANEOUS

Article 416-12.0. Disposal

416-12.002 By owner.

Any person possessing a dead animal or fowl shall dispose of it in a safe and sanitary manner. Upon receipt of information that the body of any animal or fowl has not been properly disposed of in accordance with this section, the animal services director shall dispose of the body.

(Ord. 80-97 § 2).

416-12.004 Requested disposal.

On request by any person, the animal services director may remove and dispose of any small animal such as dog, cat, fowl or rabbit lawfully in the possession of the person.

(Ord. 80-97 § 2).

416-12.006 Fees.

Animal disposal services by the animal services director shall be subject to such fees as shall be established by resolution of the board of supervisors.

(Ord. 80-97 § 2).

Article 416-12.2. Nuisances

416-12.202 Animal noise.

(a) No person may own, possess, harbor, control, or keep on any premises, a barking dog or other noisy animal.

(b) "Barking dog" means a dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. An "extended period of time" means incessant barking for thirty minutes or more in any twenty-four hour period, or intermittent barking for sixty minutes or more in any twenty-four hour period. A dog shall not be deemed a "barking dog" for purposes of this section if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property where the dog is situated, or when the dog is being teased or provoked.

(c) "Noisy animal" means an animal that makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the animal is physically situated in or upon private property. An ''extended period of time" means incessant noise for thirty minutes or more in any twenty-four-hour period, or intermittent noise for sixty minutes or more in any twenty-four-hour period.

(d) Enforcement. The department may issue an administrative penalty under Article 416-4 .8 to any responsible person for a violation of this section based on either or both of the following:

(1) An observation of the violation by a department employee.

(2) A complaint, signed under penalty of perjury, lodged by a person who has been disturbed by the barking dog or noisy animal.

(Ord. No. 2017-12, § II, 6-6-17; Ord. 80-97 § 2).

416-12.204 Animal wastes.

Any person having the ownership, custody, or control of any animal which defecates on public walks, in public recreation areas, in public buildings, or without the owner's consent on private property, shall immediately remove the excrement from any such place to a site not prohibited by law. This restriction shall not apply in areas identified as horse trails or areas specifically set aside for exercise of animals.

(Ord. 80-97 § 2).

Article 416-12.4. Reserved[7]

Article 416-12.8. Sales or Gifts of Animals

416-12.802 Public display prohibited.

No person under the age of eighteen shall place any dog, cat, puppy or kitten on public display for the purpose of sale, offer for sale, barter or giveaway upon any street, sidewalk, parking lot, shopping center walkway or other public place, and no transfer of any such animal shall be made to any person under the age of eighteen.

(Ord. 80-97 § 2).

416-12.804 Sale of dogs or cats.

(a) The seller of a dog or cat shall provide to the buyer at the time of sale a signed statement attesting to the seller's knowledge of the animal's health. Such statement shall also include the animal's immunization history, and the record of any known disease, sickness or internal parasites that the animal is afflicted with at the time of transfer of ownership, including treatment and medication.

(b) Any person purchasing a dog or cat from a person or an establishment required to be licensed or registered pursuant to Chapter 416-6 of this code may, within five days of such purchase, cause such animal to be examined by a veterinarian licensed by the state of California. If such examination reveals clinical signs of contagious or infectious disease, or serious congenital defects, not otherwise disclosed to the purchaser as required by this article, the purchaser may, within one business day of the examination, return such animal to the seller. When returned, such animal must be accompanied with a certificate signed by the examining veterinarian stating examination findings. Upon return of such animal for the reasons stated in this section, seller shall reimburse the purchaser for the cost of the animal. If the seller refuses to reimburse the purchaser for the cost of the animal upon purchaser's offer to return it, the purchaser may file a civil complaint.

(Ord. 80-97 § 2).

Article 416-12.10 Roosters

[7]Ord. No. 2020-04, § III, adopted March 20, 2020, repealed §§ 416-12.402—416-12.438, which pertained to dangerous animals and derived from Ord. 2006-05, §§ 2—4; Ord. 2005-24, § 2, Ord. 87-74, §§ 2—6; Ord. 83-10, §§ 4, 5, 7; Ord. 80-97, § 2.

416-12.1002 Definition.

For the purposes of this article, "rooster" means any male chicken that:

(1) Is six months or older,

(2) Has full adult plumage, or

(3) Is capable of crowing.

(Ord. No. 2018-13, § II, 5-1-18)

416-12.1004 Rooster keeping.

(a) Notwithstanding any other provisions of law, no person may maintain any rooster by means of a tether attached to an object.

(b) At all times, roosters must be provided all of the following:

(1) Access to water.

(2) Shelter from the elements, including rain, wind, and direct sun.

(3) Sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure.

(4) Clean and sanitary premises that are maintained in good repair.

(Ord. No. 2018-13, § II, 5-1-18)

416-12.1006 Enforcement.

In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article.

(Ord. No. 2018-13, § II, 5-1-18)

*Chapter 416-14 RAT CONTROL AND REFUSE DISPOSAL**

416-14.202 Refuse—Defined.

As used in this chapter, "refuse" means all garbage, combustible and noncombustible waste, all computrescible solid or concentrated liquid waste, except sewage, originating from household, business, commercial, and industrial activity, and the admixture of sewage effluent or sewage sludge with any of the above.

(Ord. 88-20 § 2: prior code § 4300: Ord. 1444).

416-14.204 Refuse—Accumulation prohibited.

(a) Every owner, lessee and occupant of any premises shall keep the premises free of refuse, nauseous, foul or offensive odors, and/or accumulations of filth and/or decaying animal excrement, and upon notification by the health officer shall remove and abate such nuisance within twenty-four hours, except as provided in subsection (b).

(b) Refuse may be stored on any premises in cans which shall:

(1) Be of watertight galvanized metal or other material of equivalent quality;

(2) Have not more than a thirty-gallon capacity;

(3) Have two handles adequate for lifting;

(4) Be covered continuously with a tight-fitting cover with handle except when being filled or emptied;

(5) Be kept clean by the users.

Refuse consisting of industrial, horticultural or construction waste, or other accumulations of a size larger than the containers herein specified, may be kept, collected and disposed of by any other means approved by the health officer.

(Ords. 88-20 § 2, 76-68 § 1: prior code § 4301: Ords. 1444, 565, 392, 310, 112).

416-14.206 Refuse—Dumping prohibited.

No person shall place refuse on any land in this county except as permitted by county ordinance.

(Ord. 88-20 § 2: prior code § 4302: Ord. 1444).

416-14.208 Exclusion of rats from structures.

Every building, dock, wharf and incinerator shall be so constructed and kept in repair as to prevent rats from entering and from being harbored within their walls or beneath their floors.

(Ord. 88-20 § 2: prior code § 4303: Ord. 1444).

416-14.210 Right of entry by health officer.

The health officer and any agent or inspector appointed by ~~him~~the health officer or by the board of supervisors, after announcing the purpose of the~~his~~ visit, shall be permitted to enter any building or premises in this county between nine a.m. and five p.m. of any day for the purpose of inspection to ascertain whether the provisions of this chapter have been complied with.

(Ord. 88-20 § 2: prior code § 4304: Ord. 1444).

416-14.212 Nuisance—Abatement.

Any condition existing in violation of this chapter is a public nuisance, and in addition to any other remedy available under the law, may be abated in accordance with the procedures in Article 14-6.4.

(Ords. 88-88 § 4, 88-20 § 2).

416-14.214 Emergency abatement.

If the health officer finds that a violation has created an emergency condition constituting an immediate threat to public health and safety, the health officer~~he~~ may abate the condition summarily and without notice.

(Ord. 88-20 § 2).

Chapter 416-16 MINK RAISING

Article 416-16.2. General

416-16.202 Nuisance hazard.

It is declared to have been determined on the basis of evidence submitted in connection herewith that the raising, breeding, maintaining, keeping, boarding and pelting of mink, as defined herein, constitutes an exceptional nuisance hazard by reason of the diet and physiological characteristics of mink, including the consequent and resultant creation of odors and breeding of flies.

(Prior code § 4320: Ord. 1446).

416-16.204 Definitions.

Unless otherwise specifically provided, or required by the context, the following terms have the following meanings in this chapter:

(1) "Fly screening" means metal screen of at least "sixteen mesh" size.

(2) "Health officer" includes any subordinate(s) the health officer~~he~~ designates from time to time for any or all of ~~his~~the health officer functions hereunder.

(3) "Mink" means any fur-bearing animal commonly known as mink, including Mustela Lutreola, Mustela Vison, Mustela Siberica, and any hybrid, variant, strain or subspecies of such animals, and including cross-breeds thereof among the types listed or with other animals.

(4) "Mink food" means anything intended for or used as sustenance for mink, and includes all organic material or parts of animals, birds or fish therein.

(5) "Mink raising operation" means any operation or activity raising, breeding, maintaining, keeping, boarding or pelting ten or more mink.

(6) "Underground waste disposal system" means any underground sewage disposal system complying with the laws of this state and county.

(Ord. 74-67 § 1: prior code § 4321: Ord. 1446).

Article 416-16.4. Permits

416-16.402 Permit—Required—Revocation.

No person shall carry on any mink raising operation without possessing a valid, unrevoked and unsuspended permit issued by the health officer. Such permits shall be valid from date of issuance until revoked, and shall be granted or renewed by the health officer when the health officer's~~his~~ inspection discloses that the standards and requirements relating to the conduct of the mink raising operation are being met by the applicant or the assignees thereof of the operation or proposed operation.

Such permits may be suspended or revoked by the health officer upon ~~his~~the health officer's first determining that the mink raising operation covered by such permit is being operated in violation of any provision

of this chapter. Written notice of suspension or revocation shall be given a permit holder by registered mail, return receipt requested, postage prepaid, or by personal service upon the permit holder of such written notice.

(Prior code § 4322: Ord. 1446).

416-16.404 Permit—Premises inspection—Health officer right of entry.

The health officer shall have the right to visit and inspect the premises upon which any mink raising operation is being conducted, or with respect to which any permit has been requested as herein provided, in order to carry out and enforce the provisions of this chapter. Such visits and inspections may be made at reasonable times and places and at reasonable intervals. The health officer may withhold, suspend or revoke the permit of any mink raising operation where ~~he~~ the health officer or ~~or his~~the health officer's duly authorized representative is refused admission to visit and inspect a mink raising operation as authorized herein.

(Prior code § 4323: Ord. 1446).

416-16.406 Permit—Fees.

A fee of twenty-five dollars is required for permits hereunder, and is due and payable to the tax collector at the time of application for the permit.

(Prior code § 4324: Ord. 1446).

Article 416-16.6. Land Use

416-16.602 Land use—Requirements.

Subsequent to the effective date of this chapter, no person shall commence, establish or assume the operation of any mink raising operation which does not meet the following requirements:

(1) Area of Operation Site: No mink raising operation shall be carried on on any parcel of land which is less than twenty acres in area; and

(2) Distance from Perimeter: No mink raising operation or any part thereof shall be carried on at a distance of less than two hundred feet from the nearest part of the perimeter of the parcel of land upon which the operation is located.

(Prior code § 4325: Ord. 1446).

416-16.604 Land use—Nonconforming use.

The following terms and conditions shall govern uses of land for the purposes of this chapter:

(1) Any lawful use of any land or building for or as part of a mink raising operation, existing at the time this chapter becomes effective, which does not conform to the provisions of Section 416-16.602, shall constitute a nonconforming use, and shall not be in violation of this chapter until such nonconforming use is discontinued, or ceases for any reason.

(2) It is unlawful to extend or enlarge any mink raising operation which constitutes an existing nonconforming use except in a manner which causes it to conform, or tends to bring it into conformity with, this chapter; provided, however, that such mink raising operations constituting such nonconforming uses may hereafter increase their land, facilities, buildings, equipment and number of mink by not more than ten percent of the present breeding stock or a maximum of twelve hundred,

whichever is the greater, on the effective date of this chapter without being in violation of this subdivision. Existing nonconforming uses may expand structures and operations within the area otherwise prohibited by Section 416-16.602(2), should the boundaries of the property upon which such use is conducted prohibit compliance; provided, however, that in such use such expansion shall conform as nearly as possible to such restriction.

(Prior code § 4326: Ord. 1446).

Article 416-16.8. Sanitary Regulations

416-16.802 Sanitation requirements—Generally.

Every person engaged in or carrying on any mink raising operation shall comply with all of the following requirements with respect to such operations:

(1) Cage Drainage: All mink cages used for the raising, keeping or breeding of mink shall be mounted and maintained in such positions or manner that no moisture can accumulate or remain standing under the cages.

(2) Cage Sanitation: All accumulations of manure, mink food and waste matter shall be removed or maintained so as to prevent the breeding of flies.

(3) Food Handling: All mink food, or organic materials used in the preparation of food, shall be completely enclosed, except when in transit, in fly-proof, watertight containers at all times during which such food or materials are not actually being processed, minced, chopped or ground by hand or machinery, or fed to mink. All such processing, chopping or grinding shall be conducted or carried on in food preparation houses which meet the standards and requirements set forth in this chapter.

(4) Food Preparation Houses — Construction: Food preparation houses shall be entirely paved with a smooth floor of concrete or some equally durable and impervious substance, equipped with adequate and effective floor drains draining to an underground waste disposal system, and the doorways, windows, and all openings or apertures leading therein shall be completely covered with fly screening.

(5) Food Preparation Houses and Equipment — Sanitation: All food preparation houses and all soiled machinery, equipment, utensils and implements used in the preparation of mink food shall be washed, cleaned, and dried daily immediately after use, and the waste water from such washing and cleaning shall be disposed of in an underground waste disposal system.

(6) Garbage and Waste Disposal: All waste or spoiled organic matter whatsoever, including but not limited to garbage, spoiled or unused mink food, dead mink, and manure of any kind shall be completely disposed of by removal from the premises in a manner and to a site not prohibited by law, burial or chemical destruction at such times and intervals as may be necessary to prevent the odor thereof from being perceptible at any point on the perimeter by federal or state agencies nor to other similar establishments, for the packing, treatment, and processing of agricultural products and crops of all kinds (including, but not limited to establishments of the premises upon which the mink raising operation is conducted).

(Prior code § 4327: Ord. 1446).

Chapter 416-18 DANGEROUS ANIMALS

Article 417-18.2. General

Article 416-18.4. Procedures

Article 416-18.6. Enforcement

Article 416-18.2. General

416-18.202 Definitions.

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

(a) A "dangerous" animal means an animal that demonstrates any of the following behavior:

(1) An animal that, when unprovoked, inflicts severe injury on or kills a human being who is conducting ~~himself or herself~~ themself peacefully and lawfully. For this definition, a person is peaceably and lawfully upon the private property of an owner or possessor of the animal when the person~~he or she~~ is on the property in the performance of any duty imposed upon ~~him or her~~the person by law, or when ~~he or she~~the person is on the property upon express or implied invitation.

(2) An animal designated as a potentially dangerous animal that, after its owner has been notified of this designation, exhibits any of the behaviors described in the definition of "potentially dangerous" animal set forth in this article.

(3) An animal that attacks livestock off the property of the attacking animal's owner.

(b) A "potentially dangerous" animal means an animal that demonstrates any of the following behavior:

(1) An animal that, on two separate occasions within a thirty-six-month period, engages in any unprovoked behavior that requires a defensive action by a person to prevent bodily injury when the person and the animal are off the property of the animal's owner.

(2) An animal that, when unprovoked, bites a person causing an injury that is not a "severe injury" as defined in this chapter.

(3) An animal that, on two separate occasions within a thirty-six-month period, when unprovoked, seriously bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the attacking animal's owner.

(4) An animal that, when unprovoked and off the property of the animal's owner, engages in behavior that causes the death of a domestic animal or causes injury to a domestic animal that is so severe that a veterinarian recommends euthanasia due to the severity of the injuries caused by the attack.

(c) A "severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations, or requires multiple sutures or corrective or cosmetic surgery. (Ord. No. 2020-04 § II, 3-20-20).

416-18.204 Obligations of animal owner.

(a) An owner or possessor of a dog shall at all times prevent the dog from (1) biting or physically harassing a person engaged in a lawful act, and (2) interfering with the lawful use of public or private property.

(b) An owner or possessor of a dog shall at all times prevent the dog from causing injury to another domestic animal while the domestic animal is lawfully upon public or private property.

(c) A person with knowledge that an animal has bitten or attacked a human being must promptly report that fact to the animal services department. (Ord. No. 2020-04 § II, 3-20-20).

416-18.206 Law enforcement animals.

This chapter does not apply to a trained animal assisting a peace officer engaged in law enforcement duties. (Ord. No. 2020-04 § II, 3-20-20).

Article 416-18.4. Procedures

416-18.402 Potentially dangerous and dangerous animal designations.

(a) The animal services director may determine that an animal is potentially dangerous or dangerous. Within fifteen days after determining that an animal is potentially dangerous or dangerous, the animal services director will issue an order designating the animal potentially dangerous or dangerous. The order will specify the reasons for the designation. If applicable, the order will also inform the owner that ~~he or she~~the owner may apply for a permit to keep the animal, the deadline for applying, the permit conditions that may be imposed, and the owner's right to appeal the designation.

(b) The animal services director will consider all of the following factors in determining whether an animal is potentially dangerous or dangerous:

(1) Whether an injury to a person by the animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing, or assaulting the animal.

(2) Whether a person injured by the animal was committing a trespass or other tort upon premises occupied by the owner or keeper of the animal, or was committing or attempting to commit a crime.

(3) Whether an injury to a domestic animal was caused or contributed to by the actions of the domestic animal, including acts of teasing, tormenting, abusing, or attacking the animal.

(4) Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the animal's owner or keeper. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.

(5) Whether an injury to a person by the animal was caused while the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault. (Ord. No. 2020-04 § II, 3-20-20).

416-18.404 Permits to keep potentially dangerous or dangerous animals.

(a) Application. If an owner wishes to keep an animal that has been designated potentially dangerous or dangerous, the owner must apply for and obtain a permit to keep the animal. The owner must apply for the permit within the time specified in the final order designating the animal potentially dangerous or dangerous. The permit application must include:

(1) The name and address of the animal's owner, and the names and addresses of two persons who may be contacted in the case of emergency;

(2) An accurate description of the animal for which the permit is requested, including the number of the county-issued license for that animal;

(3) The address where the animal will be located;

(4) The purpose for which the animal will be kept;

(5) An application fee;

(6) An agreement to comply with all permit conditions; and

(7) Such other information as the animal services director may require.

(b) Order on Application. Within thirty days after receiving a completed application for a permit to keep an animal designated potentially dangerous or dangerous, the animal services director will issue an order granting or denying the permit. If the order denies the permit, the order will specify the reasons for denying the permit and state that the owner has a right to appeal the permit denial.

(c) Permit Denial. The animal services director may deny an application for a permit if the director determines (1) the animal poses an undue risk to public safety, or (2) the animal's owner lacks sufficient resources or ability to keep the animal in a manner that does not pose a threat to public safety, or (3) the animal's owner does not agree to comply with all permit conditions.

(d) Permit Issuance. The animal services director may issue a potentially dangerous or dangerous animal permit if the director finds all of the following conditions are satisfied:

(1) The animal's owner has facilities to adequately secure, feed, house, and maintain the animal.

(2) Possession and maintenance of the animal at the owner's location is not likely to endanger the peace, quiet, health, safety, or comfort of persons in the vicinity of the location.

(3) Possession and maintenance of the animal at the owner's location is not likely to be detrimental to agriculture, native wildlife, or the public peace, health, or safety.

(4) Possession and maintenance of the animal at the owner's location has not resulted in, and is not likely to result in, the animal being subjected to neglect, suffering, cruelty, or abuse.

(5) The animal's owner has not had a potentially dangerous or dangerous animal permit revoked, and has not been found to have violated this division or any law regulating animals within the previous three years.

(6) Possession of the animal at the owner's location will not violate any law, ordinance, or regulation.

(7) The animal's owner agrees to comply with all of the permit conditions.

(e) Permit Conditions. The animal services director will impose conditions on a permit to keep a dangerous or potentially dangerous animal as provided in this section.

(1) A potentially dangerous animal permit and a dangerous animal permit shall include all of the following conditions:

(A) The animal's owner must comply with all relevant state laws and ordinances.

(B) The animal must be properly licensed and vaccinated at all times.

(C) The permit is nontransferable.

(D) The owner or keeper of the animal may not be a minor.

(E) The animal may not be possessed or maintained at any location other than that specified in the permit.

(F) The animal's owner must display on the property where the animal is kept a sign containing a warning that there is a potentially dangerous or dangerous animal on the premises. The dimensions, colors, lettering, and graphics of the sign must comply with standards established by the animal services director. The sign must be located where it will be visible to the general public.

(G) The animal may never be at large, as defined in Section 416-4.402, and must be securely maintained at all times.

(H) The animal's owner shall immediately notify the animal services department if the animal is at large, has attacked another animal, has bitten a human being, or has died.

(I) If the animal is not securely confined indoors, it must be confined as follows, unless the animal services director modifies the conditions of confinement where warranted:

(i) The animal shall be confined in an enclosure consisting of a fence or structure suitable to prevent the entry of young children, and suitable to confine a potentially dangerous or dangerous animal as determined by the animal services department. The enclosure shall be securely locked, have secure sides and bottom sufficient to prevent the animal from escaping, and shall be of sufficient size to provide the animal with adequate exercise area.

(ii) When off the property of the animal's owner or keeper, the animal shall be muzzled and leashed with a substantial leash not to exceed six feet in length and under the control of a responsible adult who is familiar with and in control of the animal.

(iii) When being transported, the animal shall be humanely confined in a vehicle so that it can neither escape nor inflict injury on passersby.

(J) The animal shall not be allowed to endanger the peace, health, or safety of people, domestic animals or native wildlife.

(K) The animal shall not be subject to neglect, suffering, cruelty, or abuse.

(L) The location where the animal is possessed or maintained must be kept clean and sanitary; and the animal must be provided with proper and adequate food, water, ventilation, shelter and care at all times.

(M) An employee of the animal services department must be allowed at any reasonable time to inspect the animal and the place where the animal is located.

(N) The animal's owner must pay all fees required in accordance with the animal services department's fee schedule adopted by resolution of the board of supervisors.

(O) The animal's owner must allow and pay for the animal to be sterilized and have a microchip implanted by the animal services department for identification purposes.

(2) A potentially dangerous animal permit shall also include all of the following conditions:

(A) The potentially dangerous animal must complete an obedience course approved by the animal services director, at the owner's expense, within sixty days after the animal is released to its owner, or within a reasonable time as authorized by the animal services director.

(B) The permittee shall notify the animal services department within 48 hours after the potentially dangerous animal is deceased, sold, transferred or permanently removed from the location designated on the permit, and provide the name, address, and phone number of the animal's new owner and the animal's new location.

(3) A dangerous animal permit shall also include all of the following conditions:

(A) A dangerous animal securely confined in an enclosure shall not be tethered.

(B) Unless a dangerous animal is securely confined indoors or in an outdoor enclosure on the property where the animal is maintained as described in subsection (e)(I)(i) of this section, the animal may only be removed for purposes of obtaining veterinary care, being sold or given away, or to comply with any provision of law or a directive of the animal services director.

(C) Within thirty days after the animal is designated dangerous, the animal's owner must give written notice, with a copy to the animal services director, of the animal's dangerous designation to the local police and fire departments, the local branch of the U.S. Post Office, and all utility companies that provide services to the premises where the animal is kept.

(D) The animal's owner must have in force at all times liability insurance from an insurer licensed in the state of California, in a single incident amount of not less than one hundred thousand dollars for each animal, for injury to or death of a person, or loss or damage to property caused by or resulting from an act of the animal. Liability insurance shall not be canceled unless the owner ceases to own the animal. The owner shall provide to the animal services director a certificate of insurance issued by the insurer stating that the foregoing insurance is in place. The owner shall also provide documentation from the insurer warranting that the insurer will provide the county at least thirty days advance notice of cancellation of insurance.

(E) The permittee shall give the animal services department at least forty-eight hours advance notice of the sale, transfer or permanent removal of the animal to a location not designated in the permit, and provide the name, address, and phone number of the animal's new owner and the animal's new location.

(f) Term of Permit. A potentially dangerous or dangerous animal permit is valid for one year from the date of its issuance, unless the animal services director approves a longer term.

(g) Removal of Potentially Dangerous Designation. The animal services director will remove the "potentially dangerous" designation from an animal if there are no additional instances of the behavior described in the definition of "potentially dangerous" animal within the thirty-six-month period after the date of designation. The animal services director may, in ~~his or her~~the director's discretion, remove the "potentially dangerous" designation earlier than thirty-six months after the date of designation.

(h) Permit Renewal. An application to renew a permit issued under this chapter must be filed at least thirty days before the permit expires. No person holding a potentially dangerous or dangerous animal permit has the right to an automatic renewal of the permit. Failure to renew a permit before its expiration will result in a late fee, may result in an administrative fine or infraction citation, or the animal may be impounded and humanely destroyed.

(i) Fees. Animal permit application fees, permit fees, late fees, impound fees, inspection fees, microchip fees, and sterilization fees will be in amounts established by the board of supervisors in the animal services department's fee schedule. An inspection fee for evaluating the facilities where an animal designated potentially dangerous or dangerous is maintained will be charged to the animal's owner for each inspection deemed necessary following the initial investigation.

(j) Permit Revocation. If the owner of an animal designated potentially dangerous or dangerous violates a permit condition, the animal services director may, in addition to administrative penalties under Article 416-4.8, issue an order revoking the permit and impounding the animal. If the animal services director determines the animal poses an undue threat to public safety, the animal may be euthanized. The order revoking the permit will specify whether the animal is to be euthanized.

(k) Prohibition of Future Ownership.

(1) If the owner of an animal designated potentially dangerous or dangerous violates a permit condition, the animal services director may, in addition to other penalties provided in this chapter, issue an order prohibiting the owner from owning an animal of the same species for up to five years after the date of the original designation.

(2) A person who owns, possesses, keeps, or harbors an animal designated potentially dangerous or dangerous without a permit may be subject to restrictions on ownership of other animals of the same species for a period of five years. (Ord. No. 2020-04 § II, 3-20-20).

416-18.406 Hearings.

(a) Appeal. An animal owner may appeal an order that: designates the owner's animal potentially dangerous or dangerous; denies a permit to keep an animal designated potentially dangerous or dangerous; revokes a permit; imposes penalties for a violation of this chapter; or requires that an animal be euthanized.

(b) Hearing Request. An appeal of an order must be filed with the animal services department within fifteen days after the date of the issuance of the order. If no request for appeal is received within fifteen days after the date of issuance of the order, then the order is final.

(c) Notice of Hearing. Upon receipt of a timely request for a hearing, the animal services director will schedule a hearing before an impartial hearing officer and provide written notice to the owner of the date, time, and location of the hearing at least five days before the hearing date.

(d) Hearing Procedures.

(1) Evidence. At the hearing, the animal's owner and animal services department employees will be given the opportunity to present oral and written testimony and other evidence, and to present oral and written argument. The hearing need not be conducted according to technical judicial rules relating to evidence, witnesses and discovery. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of the evidence over objection in civil actions.

(2) Transcript of Hearing. Oral testimony at the hearing will not be transcribed by a court reporter unless the animal owner arranges and pays for a court reporter to be present at the hearing.

(3) Decision. Within fifteen days after the conclusion of the hearing, the hearing officer will issue a written proposed decision affirming, revising, or reversing the order. The proposed decision will be based on the record and include a statement of the factual and legal basis of the decision.

(e) Procedures After Hearing.

(1) The animal services director will issue a final order after considering the hearing officer's proposed decision. Within fifteen days after receiving the hearing officer's proposed decision, the animal services director will send to the owner a notice of the final order and a copy of the hearing officer's proposed decision.

(2) If the final order designates the animal as potentially dangerous or dangerous, then the owner may keep the animal only after applying for and obtaining a permit, as provided in this chapter. The animal services director retains discretion to accept or deny a permit to keep the animal.

(3) If the final order revokes a permit, then within ten days of the date of the notice of order the owner of the animal shall surrender the animal to the animal services department or place the animal outside of Contra Costa County with permission from the new jurisdiction.

(4) If the final order after hearing overturns the animal services director's order, then any bond obtained by the animal owner shall be released and, if applicable, the animal shall be returned to the custody of the owner.

(f) Appeal of Final Order to the Superior Court. A final order issued under this chapter may be appealed to the Superior Court in accordance with Code of Civil Procedure Section 1094.5.

(g) Written Notices. All notices, orders, and decisions issued under this chapter shall be sent by first class mail to the animal's owner at the address identified on the application for the permit to keep the potentially dangerous or dangerous animal, if any, or at the address identified on the animal's license with the county.

The animal's owner shall promptly notify the animal services department of any change of address. (Ord. No. 2020-04 § II, 3-20-20).

416-18.408 Restrictions on animal ownership by convicted felons.

(a) A person who has been convicted of a felony under the laws of the United States, of the state of California, or any other state, government, or country, who owns, purchases, receives, or has in ~~his or her~~their possession or under ~~his or her~~ their custody or control an animal that poses a danger to public health, safety, or welfare if misused by a convicted felon is guilty of a misdemeanor, unless the person possesses a current, valid permit for that animal as provided in this section. A convicted felon under this section does not include felons whose convictions were set aside pursuant to Penal Code Section 1203.4.

(1) "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission of a crime.

(2) An animal whose owner is in violation of this section shall be impounded, and may be euthanized, at the owner's expense.

(3) An animal that poses a danger to public health, safety, or welfare if misused by a convicted felon under this section means any of the following:

(A) A dog weighing more than twenty pounds;

(B) An animal that has been designated potentially dangerous or dangerous under this chapter;

(C) An animal designated by the animal services director as posing a danger to public health, safety, or welfare if misused by a convicted felon based upon the following factors:

(i) The nature of any complaints regarding the animal,

(ii) The strength of the animal, including jaw strength,

(iii) The animal's tolerance for pain,

(iv) The animal's tendency to refuse to terminate an attack,

(v) The animal's potential propensity to bite humans or other domestic animals,

(vi) The animal's potential for unpredictable behavior,

(vii) The animal's aggressiveness, and

(viii) The likelihood that a bite by the animal will result in severe injury.

(b) Felon Prohibited Animal Permit.

(1) A convicted felon who wishes to own, purchase, receive, or have in ~~his or her~~their possession or under ~~his or her~~their custody or control a dog weighing more than twenty pounds, or an animal that the animal services director designates as posing a danger to public health, safety, or welfare if misused by a convicted felon as provided in this section, may apply for a prohibited animal permit to own, keep, or maintain that animal.

(2) If there is probable cause to believe that an animal poses a danger to public health, safety, or welfare if misused by a convicted felon, the animal services director may order the animal impounded until any required permit is obtained.

(3) If the animal services director designates an animal as posing a danger to public health, safety, or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the animal's owner.

(4) The owner of an animal designated as posing a danger to public health, safety, or welfare if misused by a convicted felon, must apply for a prohibited animal permit and pay an application fee within fifteen calendar days after the mailing of the written notice of designation.

(5) The animal services director may deny a prohibited animal permit if ~~he or she~~the animal services director determines that the animal poses a danger to public health, safety, or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by the animal services director. These conditions of ownership may include, but are not limited to, the permit conditions imposed for animals designated potentially dangerous or dangerous under this chapter.

(6) The animal services director may revoke a prohibited animal permit if there is probable cause to believe that the convicted felon's continued ownership of the animal poses a danger to public health, safety, or welfare.

(c) This section does not apply to any assistance dog, including guide dogs, signal dogs, and service dogs, trained or in training to assist a qualified individual with a disability. (Ord. No. 2020-04 § II, 3-20-20).

416-18.410 Animals designated by other jurisdictions.

Any person who wishes to bring into the county an animal that has been designated potentially dangerous or dangerous, or an equivalent designation, by another jurisdiction shall report the designation to the animal services department before entering the county and shall apply for a permit to keep the animal in the county. An animal that has previously been determined to be potentially dangerous or dangerous, or the equivalent, by another jurisdiction may not be present in the county unless the animal's owner complies with the potentially dangerous or dangerous animal permit requirements under this chapter. Animals in violation of this section are subject to impoundment and humane destruction by injection after notice to the animal's owner and, if requested, a hearing under this chapter, except that the only issues for hearing are whether the animal ever received a potentially dangerous, dangerous, or equivalent designation in another jurisdiction, and whether the animal's owner complied with the permit requirements under this chapter. (Ord. No. 2020-04 § II, 3-20-20).

Article 416-18.6 Enforcement

416-18.602 Enter and inspect private property.

To the extent allowed by law, whenever necessary to enforce any provision of this chapter, an authorized employee of the animal services department may enter and inspect private property. (Ord. No. 2020-04 § II, 3-20-20).

416-18.604 Seize and impound animal.

An authorized employee of the animal services department may seize and impound, at the discretion of the animal services director, any animal designated potentially dangerous or dangerous until a permit is obtained or pending the outcome of any hearing.

(a) The owner of an animal impounded pursuant to this chapter shall be charged for all impoundment costs and fees unless a final determination is made that the animal is not potentially dangerous or dangerous.

(b) No impounded animal designated potentially dangerous or dangerous shall be released to the custody of its owner unless all costs and fees assessed pursuant to this division have been paid and all permit conditions have been satisfied. (Ord. No. 2020-04 § II, 3-20-20).

416-18.606 Require bond.

If an investigation is conducted regarding whether an animal should be designated potentially dangerous or dangerous, or regarding whether an animal already so designated has violated permit conditions, then during the investigation the animal services director may require the animal's owner to post a bond to secure the release of the animal to the owner's possession during the investigation. The animal services director may order the release of an animal under investigation only if the director first determines the animal does not pose an undue risk to public safety and the owner has the ability to prevent the animal from being at large and from posing a threat to public safety. (Ord. No. 2020-04 § II, 3-20-20).

416-18.608 Other remedies.

The county may seek compliance by any remedy allowed under this Code, including but not limited to revocation, administrative fines, infraction citations, and any other remedy allowed by law. (Ord. No. 2020-04 § II, 3-20-20).

416-18.610 Other actions.

Nothing in this chapter limits the right of any person or law enforcement officer to take any other action against a potentially dangerous or dangerous animal or its owner that is otherwise permitted or provided by law. (Ord. No. 2020-04 § II, 3-20-20).

Division 417 RODEOS

Chapter 417-2 RODEO EVENTS

Article 417-2.0. Definitions

417-2.002 Rodeo.

As used in this chapter, "rodeo" means a public event or competition of the skills of cowboys or cowgirls, including but not limited to such events as: bareback riding, saddle bronc riding, bull riding, calf roping, steer wrestling, team roping, steer roping and barrel racing.

(Ord. 94-43 § 1).

Article 417-2.2. Rodeo Events or Other Activities Prohibited

417-2.202 Equine animals.

No person shall intentionally trip or fell any equine animal (including but not limited to any horse, mare, pony, ass, donkey, burro, mule or hinny) by the legs by any means whatsoever for the purpose of entertainment, sport or practice, including a rodeo. No person shall intentionally promote, conduct or hold, or supply livestock for any entertainment, sport or practice, including a rodeo, where any person intentionally trips or fells any equine animal by the legs by any means whatsoever.

(Ord. 94-43 § 1).

417-2.204 Bovine animals.

No person shall intentionally trip, drag or fell any bovine animal (including but not limited to any steer, calf, bull, ox, heifer or cow) by the tail by any means whatsoever for the purpose of entertainment, sport or practice, including a rodeo. No person shall intentionally promote, conduct, or hold, or supply livestock for any entertainment, sport or practice, including a rodeo where any person intentionally trips, drags or fells any bovine animal by the tail by any means whatsoever.

(Ord. 94-43 § 1).

Article 417-2.4. Rodeo Veterinarian

417-2.402 Veterinarian.

Any person promoting, conducting or holding a rodeo shall have a veterinarian in attendance (physically present) throughout the duration of every event using animals, except for "youth" or "high school" rodeos where participants are minors.

(Ord. 94-43 § 1).

417-2.404 Qualifications.

The veterinarian in attendance shall be licensed by the state of California and shall be experienced in the treatment of the types of animals used in the animal events.

(Ord. 94-43 § 1).

417-2.406 Noncontestant.

The veterinarian in attendance shall not be a contestant or otherwise participate in any animal events.

(Ord. 94-43 § 1).

Article 417-2.6. Violations

417-2.602 Violation.

Any violation of any provision of this chapter is a misdemeanor.

(Ord. 94-43 § 1; § 14-8.004(b); Gov't. Code § 25132(a)).

Division 418 REFUSE[8]

[8]Cross reference(s)—For other refuse provisions, see Chapter 416-14, this code.

Chapter 418-2 SOLID WASTE COLLECTION AND TRANSPORTATION[9]

418-2.002 Definitions.

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

(a) "Applicable laws and regulations" means federal, state or local laws, regulations, ordinances, rules and final administrative actions that affect or govern solid waste collection and transportation.

(b) "Solid waste" means all solid waste as defined in Public Resources Code section 40191 as may be amended from time to time.

(c) "Solid waste facility" means a solid waste facility as defined in Public Resources Code section 40194 as may be amended from time to time.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.004 Permit requirement.

Effective March 1, 2018, no person shall collect solid waste from any location in the unincorporated area and transport it over the public streets or highways of the unincorporated area except under a valid permit issued under this chapter, unless an exemption under this chapter applies.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.006 Territorial limits; solid waste types.

(a) A permit issued under this chapter authorizes the permittee to collect specified types of solid waste within a specified territory in the unincorporated area and to transport it over the public streets and highways of the unincorporated area, in accordance with the terms and conditions of the permit.

(b) A person may obtain a permit under this chapter to collect solid waste from territory in the unincorporated area only to the extent that another person does not have an exclusive privilege or right to collect that solid waste from that territory under a valid franchise agreement.

(c) A permit issued under this chapter does not authorize, and shall not be construed to authorize, the permittee to collect solid waste within territory in the unincorporated area when another person has an exclusive privilege or right to collect that solid waste within that territory under a valid franchise agreement.

---

[9]Editor's note(s)—Ord. No. 2017-16, § III, adopted December 5, 2017, replaced ch. 418-2, §§ 418-2.002—418-2.010, in its entirety; with a new ch. 418-2 to read as set out herein. Former ch. 418-2 pertained to "Collection," and was derived from Ord. No. 1443; Prior code §§ 4500—4504; Ord. No. 82-42 §§ 1, 2; Ord. No. 88-49 § 2 and Ord. No. 91-26 §§ 2, 3.

Note(s)—For the statutory provisions regarding garbage and refuse disposal, see Health & Saf. C. § 4100 ff; for the provisions regarding collection franchises by counties, see Health & Saf. C. § 4200 ff.

(d) A permit issued under this chapter does not authorize, and shall not be construed to authorize, the collection and transport of solid waste within any incorporated area.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.008 Exemptions.

The requirement to obtain a permit under Section 418-2.004 does not apply to any of the following:

(a) The collection and transport of solid waste by the owner or occupant of the real property where the solid waste was generated.

(b) The collection and transport of solid waste that is generated on real property in the course of a service provided to the owner or tenant of that property by a building contractor or landscape contractor, if the solid waste is collected and transported by the contractor.

(c) The collection and transport of solid waste under a valid federal or state permit if the federal or state permit requirement preempts the permit requirement under this chapter.

(d) The collection and transport of solid waste under a valid permit issued by the county under Chapter 413-3 or by a sanitary district, community services district, or joint powers authority with jurisdiction over solid waste handling.

(e) The collection and transport of solid waste by the franchisee under a valid franchise agreement.

(f) The collection and transport of solid waste generated at a publicly operated treatment works.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.010 Application.

(a) A person may apply for a solid waste collection and transportation permit by submitting an application to the Contra Costa County Health Services Department, Environmental Health Division, and paying an application fee established by the board by resolution. The application must be made using a form approved by the health officer and include all of the following:

(1) The full legal name, address and telephone number(s) of the applicant. If the applicant is a sole proprietor who will operate under a fictitious business name, the applicant must provide a copy of a valid fictitious business name statement for the business. If the applicant is a business entity, the applicant must provide written documentation that the entity may lawfully conduct business in the unincorporated area.

(2) Identification of all vehicles proposed to be used in the collection and transport of solid waste under the permit, including legible copies of valid California registration cards for each vehicle. If any of the vehicles is equipped to provide roll-off box services, that information must also be provided.

(3) Proof of possession of a valid motor carrier identification number in good standing issued under California Vehicle Code section 34507.5, if applicable.

(4) Identification of all individuals who will operate any of the vehicles described in subsection (a)(2) and written documentation of their legal authority to operate those vehicles, including legible copies of valid California driver's licenses.

(5) Identification of the types of solid waste to be collected and transported.

(6) Identification of the types of locations where solid waste will be collected.

(7) Identification of the specific territory to be served.

(8) Identification of the location(s) to which the solid waste will be transported.

(9) A description of any services to be provided to a customer related to the collection and transport of solid waste for that customer.

(b) A copy of the application will be provided by the health officer to the director of the department of conservation and development for review to determine whether any other person has obtained an exclusive right or privilege from the county to collect and transport the same type of solid waste described in subsection (a)(5) from the same territory described in subsection (a)(7). The review will be conducted and completed no later than thirty calendar days following the date that the application is submitted.

(c) A copy of the application will be provided by the health officer to local public agencies that have jurisdiction over solid waste handling within the territory described in subsection (a)(7), including sanitary districts and community services districts, for review to determine whether any other person has obtained an exclusive right or privilege from the agency to collect and transport the same type of solid waste described in subsection (a)(5) from the same territory described in subsection (a)(7).

(Ord. No. 2017-16, § III, 12-5-17)

418-2.012 Vehicle inspections.

(a) All vehicles proposed to be used for collection and transport of solid waste under a permit issued under this chapter shall be made available for inspection by the health officer.

(b) Before a new or renewed permit is issued under this chapter, the health officer shall inspect all vehicles proposed to be used for collection and transport of solid waste under the permit to determine compliance with the following minimum standards:

(1) The vehicle must be designed, constructed and configured for safe handling and to securely contain the type of solid waste proposed to be collected; and

(2) The vehicle must be prominently marked with the name and telephone number of the applicant.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.014 Permit issuance; grounds for denial.

(a) After receipt of an application, payment of a permit fee established by the board by resolution, and a valid certificate of liability insurance issued to the applicant that conforms to the coverage requirement set forth in Section 418-2.018(b), and following the review opportunities provided under Sections 418-2.010(b)—(c), the health officer shall issue a solid waste collection and transportation permit to the applicant unless any of the following grounds for denial exists:

(1) The director of the department of conservation and development or a local public agency identified in Section 418-2.010(c) advises the health officer that another person has an exclusive right or privilege to collect all of the types of solid waste described in Section 418-2.010(a)(5) within the same territory described in Section 418-2.010(a)(7).

(2) The application is incomplete or inaccurate.

(3) A permit issued to the applicant under this section has been revoked within twelve months prior to the date of the application.

(4) The applicant has failed to pay an outstanding fine.

(5) The health officer determines that a vehicle proposed to be used in the collection and transport of solid waste under the permit does not conform to the minimum standards set forth in Section 418-2.012(b).

(b) The health officer shall provide written notice to the applicant of any denial of a permit under this chapter and the reasons for the denial.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.016 Terms and Conditions.

(a) Terms. A permit issued under this chapter will include all of the following:

(1) Identification of the permittee.

(2) Identification of all vehicles, by license plate and vehicle identification numbers, that may be used under the permit.

(3) Identification of all individuals who may operate the vehicles described in subsection (a)(2) under the permit.

(4) Identification of all types of solid waste that may be collected and transported under the permit and, if applicable, the specific services that must be provided to customers in connection with the collection of specified types of solid waste.

(5) Identification of all types of locations where specified types of solid waste may be collected under the permit.

(6) Identification of the specific territory within which the permittee may collect specified types of solid waste under the permit. If another person has an exclusive privilege or right under a valid franchise agreement to collect a specified type of solid waste identified by the permit, the territory within which the specified type of solid waste may be collected will not include any portion of the franchise territory.

(7) Effective and expiration dates of the permit.

(b) Conditions. The following requirements are conditions of operation under a permit issued under this chapter:

(1) The permittee must comply with all applicable laws and regulations.

(2) A copy of the permit must be kept in each motorized vehicle used for solid waste collection and transportation under the permit and produced immediately in response to a demand of the health officer or any peace officer.

(3) Each motorized vehicle used for solid waste collection or transportation under the permit must prominently display, on both sides and the rear of the vehicle, a permit decal issued by the health officer.

(4) Each motorized vehicle used for solid waste collection or transportation under the permit must be marked with the name and telephone number of the permittee. Markings must be in sharp contrast to the background and of such size as to be readily visible during daylight hours from a distance of fifty feet. Markings must be applied to each sidewall of a motorized vehicle.

(5) Each vehicle used for solid waste collection or transportation under the permit must be regularly cleaned and maintained to prevent the creation of a nuisance.

(6) In each vehicle described in subsection (b)(2), the permittee shall carry proof of liability insurance coverage in the amounts set forth in subsection (b).

(7) Each container of one cubic yard or more that is used by the permittee in the course of operations under the permit must be marked with the name and telephone number of the permittee. All containers must be maintained in a clean and sound condition. For the purposes of this subsection, containers include trailers but do not include motorized vehicles.

(8) The permittee must maintain, on a rolling basis, original records showing, for the immediately preceding twelve months, the type and weight of all solid waste collected, the location where each load of solid waste was collected, and the disposal site or other final destination of each load collected. Copies of these records must be submitted to the health officer upon request.

(9) The permittee must submit quarterly reports to the health officer showing the type and weight of solid waste collected, the location where solid waste was collected, and the disposal site or other final destination of, and solid waste or recycling facility receipt number for, each load collected.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.018 Bond and insurance requirements.

(a) A permittee must file with the county and maintain until permit expiration a performance bond or equivalent security of the type and in the amount set by the board by resolution.

(b) A permittee must have and maintain until permit expiration liability insurance coverage with limits no less than one million dollars per claim and one million dollars in the aggregate.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.020 Permit expiration and renewal.

(a) A permit issued under this chapter remains valid until the permit expires or is revoked under Section 418-2.022.

(b) A permit expires on the last day of December unless it is renewed prior to expiration. A permittee may apply for renewal of the permit by submitting an application that conforms to the requirements set forth in Section 418-2.010 and payment of a permit fee established by the board by resolution.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.022 Revocation.

(a) Grounds. A permit issued under Section 418-2.014 may be revoked by the health officer in accordance with the procedure set forth in this section if the health officer determines that:

(1) The permittee has failed to comply with a term or condition of operation under the permit;

(2) The permittee's conduct under the permit constitutes a nuisance; or

(3) During the permit period, the permittee collected and transported solid waste in territory where another person has an exclusive right or privilege under a valid franchise agreement to collect and transport that solid waste. In evaluating the evidentiary basis for a revocation under this subsection, the health officer and, in the event of a hearing, the fact-finder, will do both of the following:

(A) Determine the nature and extent of exclusive rights and privileges under a franchise agreement based on the terms of the agreement, the franchisor's written interpretation of the agreement, if submitted, and any other relevant evidence;

(B) Give great weight to evidence of a final written administrative or judicial determination in which the permittee was found to have performed the act upon which the revocation is based; and

(C) Give great weight to a franchisor's written interpretation, as expressed by the franchisor's legislative body, regarding its franchise agreement.

(b) Notice. The health officer will provide written notice of intent to revoke a permit to the permittee at the address provided on the permittee's application. The notice will state all applicable grounds for the revocation and the permittee's right to a hearing under this section.

(c) Hearing. Within fifteen days after the date of the notice of intent to revoke, the permittee may request a hearing before the director of environmental health by completing and submitting a written hearing request form and paying a fee established by the board by resolution. The hearing will be held no sooner than twenty days and no later than forty-five days following the date of the written request for hearing.

(d) Effective Date. If no hearing is timely requested, the revocation is effective fifteen days after the date of the notice of intent to revoke. If a hearing is held, a revocation order issued by the health officer will be effective when the time to appeal under Chapter 14-4 expires, unless an appeal to the board is timely filed under Chapter 14-4.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.024 Prohibitions.

(a) No person shall engage the service of a person for compensation to collect solid waste from any location in the unincorporated area and transport it over a public street or highway in the unincorporated area unless the person whose service is engaged has obtained and operates in compliance with a permit issued under this chapter or is exempt from the permit requirement.

(b) No person subject to the permit requirement in this chapter shall transport solid waste to any location other than:

(1) A solid waste facility that is lawfully operated under all required state and local permits, registrations and enforcement agency notifications; or

(2) A recycling facility that, as its principal function, receives wastes that have already been separated for recycling and are not intended for disposal, and is lawfully operated in accordance with all applicable laws and regulations.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.026 Investigations.

Whenever it is necessary to inspect a vehicle or other property to enforce the provisions of this chapter, or whenever the health officer has cause to believe that there exists on any property any violation of this chapter, the health officer may enter the property to inspect and gather evidence or perform the duties imposed on the health officer by this chapter. Entry may be made at any reasonable time upon advance notice to the owner or occupant of the property. If entry is refused, the health officer is authorized to proceed pursuant to Code of Civil Procedure section 1822.50 and following, as may be amended from time to time, and any and all other remedies provided by law to secure entry.

(Ord. No. 2017-16, § III, 12-5-17)

418-2.028 Construction.

Nothing in this chapter shall be construed in a manner that conflicts with Vehicle Code section 21100, subdivision (b), as may be amended from time to time.

(Ord. No. 2017-16, § III, 12-5-17)

Chapter 418-4 DISPOSAL SITES[10]

418-4.002 Short title.

This chapter shall be known as and may be designated as the "refuse disposal site ordinance of Contra Costa County."

(Ord. 1459: prior code § 4521).

418-4.004 Policy.

It is declared by the board of supervisors that the disposal of refuse is affected by the public interest. Such activity is a useful and necessary occupation and essential to the economic life and welfare of the county. At the same time, such activity has a tendency to and often becomes a nuisance. Refuse stored may be a fire hazard from spontaneous or accidental combustion; refuse disposal sites may become habitats for rodents, mosquitoes and pests; refuse disposal sites may be unsightly and offensive to the senses and may interfere with the comfortable and enjoyable use of land in the vicinity. The public interest, the protection of the public health, safety and welfare, the conservation of property values, and the encouragement of the orderly development of the county require that the establishment of sites for the disposal of refuse be regulated.

(Ord. 1459: prior code § 4521).

418-4.006 Definitions.

For the purposes of this chapter, the following definitions apply:

(1) "Refuse" means garbage, combustible or noncombustible waste, and putrescible solid or liquid wastes originating from household, business, commercial or industrial activity, including sewage, sewage effluent, sewage sludge, or any admixture of any of these substances with another of them or with any other substance.

(2) "Refuse disposal site" means any property in the unincorporated territory of the county used or intended for use for disposal of refuse.

(3) "Person" has the meaning in Section 16- 4.022, but also includes public or governmental entities and agencies and their officers, employees and agents.

(4) "Sewage" means liquid or solid waste substance, together with any groundwater, surface water, or stormwaters that may be present, which is associated with human or animal habitation or activity, or

[10]Note(s)—For the statutory provisions regarding dumping sites, see Health & Saf. C. § 4260.

which contains or may be contaminated with human or animal excrement or offal, and includes wastewater, wastewater effluent, sewage sludge, and/or supernatant liquid.

(Ord. 82-42 § 3: prior code § 4522: Ord. 1459).

418-4.008 Permit—Required.

No person shall establish or maintain a refuse disposal site in this county without first obtaining and holding a valid unrevoked permit therefor, as provided in this chapter.

(Ord. 1459: prior code § 4523).

418-4.010 Permit—Existing sites.

Any permit issued under any prior county ordinance is continued in effect by the operation of this section for the purposes of Section 418-4.008, subject to the provisions of this chapter and subject to such regulations as may be established from time to time for operation under such permits. Existing refuse disposal sites not located in land use districts as herein required may continue as nonconforming uses as specified in Title 8.

(Ord. 1459: prior code § 4524).

418-4.012 Application and fee.

The owner, lessee or operator of any premises located in a heavy industrial (H-I) land use district, a general agricultural (A-2) land use district, or a heavy agricultural (A-3) land use district may apply for a permit, pursuant to this chapter, to the planning department. At the time of filing such application, the applicant shall pay a filing fee of two hundred fifty dollars.

(Ord. 72-89 § 1, 1972: Ord. 1459: prior code § 4525).

418-4.014 Conditions.

(a) In considering an application for a permit, the planning commission and the board of supervisors shall consider the health, safety, and welfare of the people of the county, the orderly development of property in the county, the preservation of property values, the protection of the tax base, the effect upon the neighborhood, the likelihood of a nuisance being created, the effect upon the master plan of the county, special conditions or exceptional characteristics of the property, and its location or surroundings.

(b) The board of supervisors, with the advice of the health officer, after hearings shall adopt by resolution regulations for operations of all refuse disposal sites. When such regulations are adopted by resolution of the board of supervisors they shall become requirements of this chapter as though incorporated herein and shall control the operation of all sites. Such regulations after hearings may be modified from time to time as the public interest may require and when notice of such modified regulations has been given they shall constitute conditions for continued operation under permits.

(c) The planning commission and board of supervisors shall, before granting any permit, request the advice of the county health officer and other appropriate county officers. Such officers shall investigate the application and the proposed site and submit a written report of their findings, recommendations and such special conditions or proposed regulations reasonably necessary to assure that operation of the particular refuse disposal site will not constitute a public nuisance. The board of supervisors in finally approving a permit may prescribe special conditions or special regulations as deemed necessary for the particular site.

(d) No permit shall be issued until the applicant furnishes a surety company bond in the penal sum of ten thousand dollars, the condition of which shall be that if the permittee complies with all the provisions of this chapter, regulations and any conditions which may be imposed upon the permit, the bond is to be void; otherwise, the bond is to be in full force and effect to insure the payment of any fine which may be imposed upon the permittee, any costs of suit to obtain the abatement of a public nuisance, or to pay any judgment rendered against the permittee in favor of the county, all within the limits of the bond. Such bond may be waived by the board of supervisors if the applicant is a public agency. No additional bond shall be required on an expanded site.

(Ord. 1459: prior code § 4526).

418-4.016 Procedure.

(a) Upon receiving an application the planning department shall schedule a public hearing before the planning commission and shall cause a notice thereof to be posted and published in accordance with the requirements of Chapter 26-2.

(b) Such hearing may be continued from time to time as determined necessary by the commission but final decision thereon shall be rendered within sixty days from the date of the hearing unless the applicant consents to extension thereof.

(c) The decision of the planning commission together with findings, reports and special conditions recommended, if any, shall be transmitted to the board of supervisors for final decision.

(d) The board of supervisors in considering the application may decide the application on the basis of the record submitted by the planning commission by adopting the report as submitted or modify or add conditions. In the event the board of supervisors determines that the public interest requires further investigation, the board of supervisors may order a public hearing and notice thereof shall be given in the same manner as for the hearing before the planning commission.

(Ord. 1459: prior code § 4527).

418-4.018 Inspection.

The county health officer is designated as the enforcement officer for assuring compliance with the permit. Authorized inspectors from the department shall have the right at all reasonable times to inspect the premises.

(Ords. 88-88 § 6, 1459: prior code § 4528).

418-4.020 Permit—Revocation.

A permit issued pursuant to this chapter may be revoked for any of the following causes:

(1) If the permittee has violated any provision of this chapter;

(2) If the permittee has continued a violation of any of the conditions of their~~his~~ permit after reasonable notice of such violation;

(3) If the permittee has caused or permitted any public nuisance in connection with the permitted premises;

(4) If the permittee violates any law regulating the operation of the permitted premises.

A permit may be revoked by the board of supervisors if it finds that cause exists for such revocation after a hearing of which notice shall be given to the permittee by certified mail, postage prepaid.

(Ord. 1459: prior code § 4529).

418-4.022 Nuisance abatement.

Any condition existing in violation of this chapter or any permit issued in whole or in part pursuant to this chapter is declared to be a public nuisance, and in addition to any other remedy available under the law, may be abated pursuant to Article 14-6.4. In addition to the collection remedies in Article 14-6.4, the costs of abatement may be charged against the bond.

(Ord. 88-88 § 7, 1459: prior code § 4531).

418-4.024 Exception.

The provisions of this chapter do not apply to sewage originated, treated, and disposed of on the same premises in full compliance with Division 420.

(Ord. 82-42 § 4).

Chapter 418-5 FRANCHISES FOR SOLID WASTE FACILITIES

Article 418-5.2. General

418-5.202 Authority.

This chapter is enacted, in part, pursuant to the authority granted by Health and Safety Code Sections 4200 et seq., Government Code Section 66757 and the Constitution of the state of California.

(Ord. 88-81 § 2).

418-5.204 Other laws and regulations.

Compliance with this chapter does not waive or excuse compliance with all other applicable provisions of this code, county ordinances and state or federal laws and regulations.

(Ord. 88-81 § 2).

418-5.402 General.

As used in this chapter, the following words shall have the meanings set forth in this article.

(Ord. 88-81 § 2).

418-5.404 Solid waste.

"Solid waste" means all putrescible and nonputrescible solid, semi-solid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned

vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes.

(Ord. 88-81 § 2).

418-5.406 Solid waste disposal facility.

"Solid waste disposal facility" means a public or private facility, site or location where the final disposal of solid waste occurs.

(Ord. 88-81 § 2).

418-5.408 Solid waste facility.

"Solid waste facility" includes a solid waste disposal facility and a solid waste transfer/processing station.

(Ord. 88-81 § 2).

418-5.410 Transfer/processing station.

"Transfer/processing station" includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. "Transport/processing station" or "station" does not include any of the following:

(1) A facility, whose principal function is to receive, store, separate, convert, or otherwise process in accordance with state minimum standards, manure;

(2) A facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal;

(3) The operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business in accordance with land use approvals and health regulations. Pursuant to this subsection, no storing of more than ninety cubic yards of wastes in covered containers may be made during any seventy-two hour period on the involved premises and no transfers may be made of uncontainerized refuse from smaller refuse hauling motor vehicles to larger refuse transfer motor vehicles for transport to the point of ultimate disposal.

(Ord. 88-81 § 2; see Govt. C. § 66723).

Article 418-5.6. Franchise or Contract

418-5.602 Requirement.

Except as set forth in Article 418-5.8, no person, partnership, firm, corporation or public entity shall establish, operate or carry on the business of a solid waste facility in the unincorporated area of this county unless, at the county's sole option, either (1) a nonexclusive franchise has been granted therefor by the board in accordance with the provisions of Health and Safety Code Section 4200 et seq.; or (2) the board has entered into an agreement with such partnership, firm, corporation or public entity to establish, operate or carry on the business of a solid waste facility.

(Ord. 88-81 § 2; see Govt. C. § 66757).

418-5.604 Agreement content.

Any franchise or agreement approved pursuant to this article shall, among other things, contain rules and regulations for the protection of the public health, safety and welfare and may provide for board or other public agency review, approval and control of rates to be charged customers by the solid waste facility's operators.

(Ords. 93-36 § 2, 88-81 § 2).

Article 418-5.8. Exceptions

418-5.802 Exception.

Article 418-5.6 shall not apply to any solid waste disposal facility currently operating under a valid land use permit issued by the board prior to August 31, 1988, or to any interim transfer/processing station currently approved for operation pursuant to a land use permit issued by the board prior to August 31, 1988. The exception provided by this section shall cease for any such issued permit upon its expiration, renewal or major modification.

(Ord. 88-81 § 2).

Article 418-5.10. Violation

418-5.1002 Misdemeanor.

Any person, firm, partnership, corporation or public entity which violates the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable in accordance with Chapter 14-8.

(Ord. 88-81 § 2).

Chapter 418-6 MANDATORY SUBSCRIPTION

418-6.002 Definitions.

For purposes of this chapter, the following definitions shall apply:

(a) "Collector" means any person, municipality or governmental agency with a valid permit issued pursuant to Chapter 418-2 to collect or transport refuse on county public streets and highways.

(b) "Hearing officer" means the health officer.

(c) "Owner," where that word refers to the owner of a leased or rented single-family dwelling house or of an apartment, flat, duplex or other multiple-family dwelling, means and includes the person who, with respect to such leased or rented premises, is the agent, manager or representative of any individual owner, or who is the agent, managing or executive officer or employee, or authorized representative of any owner which is a firm, copartnership, joint venture, association or corporation.

(d) "Solid waste" means useless, unwanted, discarded putrescrible and nonputrescible solid and semi-solid material, including, but not limited to, trash, refuse, paper, rubbish, ashes, animal excrement, vegetable or animal solid or semi-solid waste, and other similar wastes, but not including sewage.

(Ord. 85-12 § 2 (part)).

418-6.004 Purpose.

The accumulation of solid waste and other filth on land for long periods of time is a matter affecting the public health, welfare and safety. Such accumulation encourages and attracts rodents, flies and other disease-carrying pests, is offensive to the senses, and is a public and private nuisance. Such unhealthy and illegal accumulation of solid waste is less likely to occur when removed from property on a regular and frequent basis. The purpose of this chapter is to prevent such accumulation of solid waste by requiring that owners and other persons in control of all premises from which solid waste is generated provide for its removal and disposal on a regular and frequent basis.

(Ord. 85-12 § 2 (part)).

418-6.006 Containers required.

(a) Every owner, proprietor, manager or other person having charge or control of any hotel, club, bar, restaurant or other eating place, or any boardinghouse, lodginghouse, dwelling house, or any vegetable or food processing and handling establishment shall provide and keep at all times, in a place readily accessible to the collector and where it will not be public nuisance or be offensive, a container which complies with subdivision (b) of Section 416-14.004, or a number of such containers sufficient to contain all solid waste accumulating on the premises between collection dates.

(b) The owner of any leased or rented single-family dwelling house, or of any apartment, flat, duplex or other multiple-family dwelling shall provide and keep at least one container of a type and construction specified in subdivision (a) of this section for each family residing therein except as otherwise allowed by Section 416-14.004.

(Ord. 85-12 § 2 (part)).

418-6.008 Subscription required.

Every owner and/or person required by Section 418-6.006 hereof to provide and keep containers shall, except as provided in Section 418-6.0 12, subscribe with a collector for the collection and disposal of solid waste, such service to be provided on a basis not less frequent than once each week, except that in the case of any leased or rented single-family dwelling house, or any leased or rented apartment, flat, duplex or multiple-family dwelling, the owner and/or person shall subscribe to such collection and disposal service for each family residing therein and shall bear the responsibility for payment of the charges for such collection and disposal services to the collector.

(Ord. 85-12 § 2 (part)).

418-6.010 Nuisance.

If any owner or person shall fail to subscribe for the collection and disposal of solid waste as required by Section 418-6.008, a nuisance is presumed to exist upon the premises which have not been provided with such collection and disposal service by a collector.

(Ord. 85-12 § 2 (part)).

418-6.012 Exemption.

The health officer may exempt from the requirements of Section 418-6.008 any person who shows, and only so long as such person can continue to show: (1) that the premises are unoccupied; (2) collection service is not available to the premises due to distance from the nearest collector's area of operation or other reason; or (3) that no unsanitary condition, hazard to health, or public nuisance will arise upon the premises owned, managed or controlled by ~~him if he~~the person if ~~is not provided with~~ collection and disposal of solid waste services are not provided by a collector.

(Ord. 85-12 § 2 (part)).

418-6.014 Collection notice—Hearing.

If the health officer has received notice that any person (including an owner) has failed to subscribe for the collection and disposal of solid waste as required by Section 418-6.008, the health officer ~~he~~ shall serve written notice upon the person, informing the person of the requirements of that section and that because of ~~his~~the person's failure to comply with such requirement, a nuisance is presumed to exist upon the premises owned, managed or controlled ~~by him~~the person which has not been provided with such collection and disposal service. The notice shall direct the person to subscribe with a collector for the collection and disposal of solid waste within fifteen days after service of the notice, or to request a hearing before the health officer within the fifteen-day period to show cause why the person~~he~~ should not be required to so subscribe.

(Ord. 85-12 § 2 (part)).

418-6.016 Further collection notice.

The notice shall further state that if the person shall fail to comply with its directions within the fifteen-day period, the county will abate the nuisance existing upon the premises by subscribing with a collector for collection and disposal services for the premises, for a period of time deemed appropriate by the health officer (but not exceeding one year), and that the county's costs to provide such services (the charges of the collector therefor, together with the administrative costs incurred by the health officer), may be levied as a special assessment lien against the real property upon which the premises are located.

(Ord. 85-12 § 2 (part)).

418-6.018 Cost notice.

The notice shall contain an estimate of the cost of abatement (including administrative, collection and disposal costs) for the proposed subscription period. In addition, the notice shall contain a statement of the owner's hearing rights pursuant to Sections 418-6.012 and 418-6.022, and notice to the owner that ~~he~~the owner may appear in person at the hearing or may submit a sworn written statement in lieu of appearing.

(Ord. 85-12 § 2 (part)).

418-6.020 Mail and posting.

(a) The notice specified in this section shall be deemed served when it is deposited in the United States Post Office with postage prepaid, and addressed to the person (owner) entitled to notice at the person's~~his~~ last known place of address as shown on the current assessment roll of the county. If no such address is there shown or known, then to General Delivery, Contra Costa County, California and by posting on the premises.

(b) If the notice specified herein is required to be served upon any person in addition to the owner of record of any leased or rented premises, a copy of the notice shall, at the same time and in the same manner, be served upon the owner of record of such leased or rented premises.

(Ord. 85-12 § 2 (part)).

418-6.022 Hearing request.

Any person or owner subject to the requirements of this chapter may, in writing, request a hearing before the health officer (hearing officer) to show cause why the person or owner ~~he~~ should not be required ~~at his cost~~ to subscribe for the collection and disposal of solid waste at the person's or owner's cost, or the county should not provide such service for the~~his~~ person's or owner's premises. The hearing shall be held at a time and place fixed by the hearing officer within fifteen days of the request therefor.

(Ord. 85-12 § 2 (part)).

418-6.024 No hearing.

If the involved owner and/or person has not subscribed with a collector and advised the health officer of such subscription in writing, or no request for a hearing is received within the fifteen-day period, the health officer is authorized to subscribe on behalf of the county with a collector for the proposed subscription period for solid waste collection and disposal service.

(Ord. 85-12 § 2 (part)).

418-6.026 Hearing notice.

When a hearing is requested, the hearing officer shall mail notice of the hearing at least ten days before the hearing date to the involved owner and/or person.

(Ord. 85-12 § 2 (part)).

418-6.028 Hearings.

All hearings under this chapter shall be held before a hearing officer who shall receive all evidence ~~he~~ the hearing officer deems material, including the condition of the property, and the estimated cost for the proposed subscription period. The hearing officer shall not be limited to the technical rules of evidence. The involved owner or person may appear in person or present a sworn written statement in time for consideration at the hearing.

(Ord. 85-12 § 2 (part)).

418-6.030 Decision.

At the conclusion of the public hearing, the hearing officer may find that no subscription was made with a collector for services within a timely manner, or that none of the exemption circumstances of Section 418-6.012 are applicable, and order abatement for the proposed subscription period by the provision of mandatory subscription services to the involved premises. In such event, the hearing officer shall determine the costs of abatement to be charged against the owner. The written order of the hearing officer (including the determined costs of abatement) shall be mailed to any interested person who made a written presentation to the hearing officer for the hearing but did not appear, and to the involved owner.

(Ord. 85-12 § 2 (part)).

418-6.032 Appeals.

The owner and/or any involved person may appeal the hearing officer's decision by filing ~~with him~~ a written notice of appeal with the hearing officer within ten calendar days after ~~his~~the decision. The hearing officer shall promptly transmit the proceedings to the board of supervisors. Upon receipt, the board's clerk shall promptly give written notice of the time and place of the hearing to the appellant, the hearing officer and any other involved person.

The board shall promptly hear such appeal, and may affirm, amend or reverse the order or take other action it deems appropriate. It shall not be limited by the technical rules of evidence.

(Ord. 85-12 § 2 (part)).

418-6.034 Final abatement action.

If the hearing officer finds that any owner and/or involved person upon whom notice was served pursuant to Sections 418-6.014 through 418-6.020, has failed within the time specified therein to subscribe for the collection or disposal of solid waste, and if such person or owner has not established an exemption from the requirements of Section 418-6.008 after a hearing and decision as provided in Sections 418-6.028 through 418-6.032, the health officer shall subscribe with a collector to provide such collection and disposal services and to remove any accumulated solid waste for the proposed subscription period at the noticed cost.

(Ord. 85-12 § 2 (part)).

418-6.036 Cost record.

The health officer shall keep an account of the charges ~~he~~ incurreds by the health officer for each parcel of real property served, including the health officer's ~~his~~ administrative costs incurred for the abatement of nuisances pursuant to this chapter.

(Ord. 85-12 § 2 (part)).

418-6.038 Administrative expenses.

The administrative costs in any abatement proceeding conducted pursuant to this chapter shall be based upon the actual expense incurred by the health officer in addition to any payments made to a collector; provided, however, such costs shall not exceed the estimate in the cost notice (Section 418-6.018) or the written decision (Section 418-6.030), whichever is greater.

(Ord. 85-12 § 2 (part)).

418-6.040 Lien and collection.

If the abatement cost (administrative and collection costs) for the proposed subscription period, which is charged against the persons and owner of a parcel of land pursuant to this chapter, is not paid within thirty days after the date of the health officer's order or the final disposition of an appeal therefrom, such cost shall be assessed as a special assessment against the parcel of land pursuant to Government Code Section 25845, which cost shall be transmitted to the auditor-controller and tax collector, and the auditor-controller shall enter the

amount of the assessment against the parcel of land as it appears on the current assessment roll. The tax collector shall include the amount of the assessment on the bill for taxes levied against said parcel of land.

(Ords. 88-88 § 8, 85-12 § 2 (part).

418-6.042 Special assessment notice.

The health officer shall record at the office of the county recorder and deliver to the auditor-controller, a certificate substantially in the following form:

"NOTICE OF SPECIAL ASSESSMENT
(Mandatory Solid Waste Collection Service Cost)

Pursuant to Government Code § 25845 and Ordinance Code Chapter 418-6, Contra Costa County abated a solid waste nuisance (§ 418-6.010) on the parcel of real property described below, of which the named person(s) is the possessor(s) or owner(s) shown on the current assessment roll, and fixed the below-shown amount as the cost thereof and hereby claims a special assessment against said parcel for this amount.

1. RECORD OWNER(S):
   LAST KNOWN ADDRESS:
2. POSSESSOR(S) if different from owner):
   LAST KNOWN ADDRESS:
3. DATE ABATEMENT ORDERED:
4. DATE ABATEMENT COMPLETED:
5. PARCEL: Real property in Contra Costa County, California: County's Assessor's parcel #:

   [Other description where needed]:
6. AMOUNT OF ABATEMENT
   (ASSESSMENT)COST: $

Dated:.....

Contra Costa County

By:.....
(health officer)"

(Ords. 88-88 § 9, 85-12 § 2).

Chapter 418-7 FRANCHISES FOR SOLID WASTE COLLECTION, DISPOSAL AND/OR RECYCLING SERVICE

Article 418-7.2. General

418-7.202 Authority.

This chapter is enacted, in part, pursuant to the authority granted by Public Resources Code Sections 40057 and 40059, and the Constitution of the state of California.

(Ord. 91-31 § 3).

418-7.204 Other laws and regulations.

Compliance with this chapter does not waive or excuse compliance with all other applicable provisions of this code, county ordinances and state or federal laws and regulations.

(Ord. 91-31 § 3).

Article 418-7.4. Definitions

418-7.402 General.

As used in this chapter, the following words shall have the meanings set forth in this article. Words used in this chapter not defined in this article shall have the meanings ascribed to them in the California Integrated Waste Management Act of 1989 (Public Resources Code, § 40000 et seq.), and regulations adopted pursuant thereto, unless the context indicates otherwise.

(Ord. 91-31 § 3).

418-7.404 Commercial solid waste.

"Commercial solid waste" means solid waste routinely originating from stores, business offices, commercial warehouses, hospitals, educational, health care, military and correctional institutions, nonprofit research organizations, and nonexempt government offices. Commercial solid waste refers to SIC Codes 401 through 4939, 4961, and 4971 (transportation, communications and utilities), 501 through 5999 (wholesale and retail trade), 601 through 679 (finance, insurance and real estate), 701 through 8748 (public and private service industries such as hospitals and hotels), and 911 through 9721 (public administration). Commercial solid waste does not include construction or demolition waste, industrial waste or septage.

(Ord. 91-31 § 3).

418-7.406 Designated waste.

"Designated waste" as used herein has the meaning set forth in Title 23, California Code of Regulations, Section 2522.

(Ord. 91-31 § 3).

418-7.408 Hazardous waste.

"Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

(1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

The term "hazardous waste" is intended to include all waste which is defined as being a hazardous waste pursuant to any federal, state or county laws, statutes, ordinances or other regulation currently in effect or as may be enacted or amended in the future.

(Ord. 91-31 § 3).

418-7.410 Industrial waste.

"Industrial waste" means solid waste originating from mechanized manufacturing facilities, factories, refineries, and publicly operated treatment works.

(Ord. 91-31 § 3).

418-7.412 Medical waste.

"Medical waste" means waste regulated pursuant to the provisions of Health and Safety Code Chapter 6.1 (Section 25015 et seq.).

(Ord. 91-31 § 3).

418-7.414 Person.

"Person" includes an individual, firm, association, copartnership, public agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(Ord. 91-31 § 3).

418-7.416 Public agency.

"Public agency" means a special district, joint exercise of powers agency formed pursuant to Government Code Chapter 5 (Section 6500 et seq.), or any other public agency authorized by law to provide, franchise or otherwise regulate solid waste handling service.

(Ord. 91-31 § 3).

418-7.418 Recycle.

"Recycle" or "recycling" means the process of collecting, sorting, cleaning, treating, and reconstituting materials that would otherwise become solid waste, and recovering them so that they may be used in the form of raw material for new, reused, or reconstituted products.

(Ord. 91-31 § 3).

418-7.420 Residential solid waste.

"Residential solid waste" means solid waste routinely originating from single-family or multiple family dwellings. Residential solid waste includes household hazardous waste, but does not include septage.

(Ord. 91-31 § 3).

418-7.422 Septage.

"Septage" means non- sewered liquid or semi-liquid waste which may be trucked to treatment facilities for disposal, to include, but not be limited to, waste from residential septic tanks, commercial grease cleanouts, and industrial waste holding facilities.

(Ord. 91-31 § 3).

418-7.424 Solid waste.

"Solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. "Solid waste" does not include medical, designated, and hazardous waste, except household hazardous waste.

(Ord. 91-31 § 3).

418-7.426 Solid waste handling.

"Solid waste handling" or "handling" means the collection, transportation, storage, transfer, or processing of solid wastes.

(Ord. 91-31 § 3).

Article 418-7.6. Franchise or Agreement

418-7.602 Requirement.

Except as set forth in Article 418-7.8, no person shall operate or permit, license, contract, franchise, or in any way allow, the operation of, a business providing services for the handling of commercial and/or residential solid waste, and/or the collection of recyclable materials from commercial establishments and/or residences in the unincorporated area of the county unless, at the county's sole option, either (1) an exclusive or nonexclusive franchise or permit has been granted therefor by the board, or (2) for public agencies only, the board has entered into an agreement or Memorandum of Understanding (MOU) for such activities.

(Ord. 91-31 § 3; see Pub. Resources Code, §§ 40057, 40059).

418-7.604 Agreement content.

Except as provided in Section 418-7.606, any franchise or agreement approved pursuant to this article with any person shall, among other things, contain rules, regulations, terms and conditions for the protection of the public health, safety and welfare, including provisions necessary for the proper implementation of the county's source reduction and recycling element of the County Integrated Waste Management Plan adopted pursuant to Public Resources Code, Chapter 3 (Section 41300 et seq.), board review, approval and control of the rates to be charged customers by the operators of rate-regulated businesses, control of wastestream and disposition of recyclables by the board and any other matter deemed by the board to be necessary or convenient for the proper and efficient management and disposition of solid waste. A non-exclusive franchise or agreement for commercial recycling need not reserve disposition of recyclables to the board.

(Ord. 91-31 § 3).

418-7.606 Agreement with public agencies.

Section 418-7.604 does not apply to any agreement or MOU with a public agency approved pursuant to this article provided that the agreement or MOU contains, among other things, (1) appropriate provision for indemnification of the county for any fines imposed on the county by the state for failure to properly implement the county's source reduction and recycling element; (2) terms and conditions for a public agency's role in implementing the county's source reduction and recycling element, including but not limited to: participation in a coordinating committee; adoption of uniform monitoring, reporting and data collection methodologies; designation of respective county/public agency responsibility for individual element components; agreement to disseminate information to individual customers (for example, bill stuffers) at the direction of the county; and agreement to design and modify programs and/or rate structures as necessary to meet overall element goals; (3) agreement to pass through the county costs incurred pursuant to the California Integrated Waste Management Act of 1989 (Public Resources Code, Section 40000 etc.), as amended from time to time, in the collection rates; (4) control of the wastestream and disposition of recyclables by the board of supervisors; and (5) provision for county and public agency termination of the agreement or MOU.

(Ord. 91-31 § 3).

418-7.608 Local advisory bodies.

The board may establish local advisory bodies to advise the board on issues relating to the administration of a franchise or agreement deemed appropriate by the board. The members of such local advisory body may consist of the members of the governing body of an existing municipal advisory council or special district which provided, franchised or otherwise authorized solid waste handling services within the franchise or agreement area.

(Ord. 91-31 § 3).

Article 418-7.8. Exceptions

418-7.802 Existing solid waste enterprises.

Nothing in this chapter is intended to abrogate the rights granted by Public Resources Code Chapter 6 (Sections 49500 et seq.) to a solid waste enterprise providing solid waste handling services in accordance with said chapter.

(Ord. 91-31 § 3).

418-7.804 Transitional permit.

The board may, by resolution, upon a finding of good cause, and pursuant to terms and conditions in furtherance of public health and well being, grant transitional permission to a person to operate or temporarily permit, license, contract, franchise or otherwise allow, the operation of a business providing services for the handling of commercial and/or residential solid waste, and/or the collection of recyclable materials from commercial establishments and/or residences.

(Ord. 91-31 § 3).

418-7.806 Excluded solid waste.

This chapter does not apply to a person whose primary business is not franchised or rate-regulated by a municipality or public agency, to the extent that such person is operating a business handling only "solid waste" described in subdivision (b) of Section 41781 of the Public Resources Code, which "solid waste" is diverted, recycled, reused, refurbished, or not disposed of at a landfill or transformation facility, and is not included in determining the base amount of solid waste from which source reduction, recycling, and composting levels are to be calculated.

(Ord. 91-31 § 3).

Article 418-7.10. Violation

418-7.1002 Misdemeanor.

Any person who violates the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punishable in accordance with Chapter 14-8.

(Ord. 91-31 § 3).

Chapter 418-10 RECYCLING REQUIREMENTS FOR LANDFILL DISPOSAL

Article 418-10.2. Purposes

418-10.202 Purposes.

The purposes of this chapter are to: support the implementation of the goals and purposes of the Integrated Waste Management Act of 1989 (Public Resources Code, Section 40000 et seq., hereafter, "the Act"), to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible to conserve water, energy and other natural resources, by requiring local agencies subject to the Act to comply with the Act's requirements of developing and implementing recycling and source reduction programs; emphasize programs for resource recovery of plastics by implementing the recommendations of the plastics committee of the solid waste commission; and implement the conditions of approval for the Keller Canyon and Marsh Canyon landfills.

(Ord. No. 92-105 § 3).

Article 418-10.4. Definitions

418-10.402 General.

The terms in this chapter have the meanings ascribed to them in the Act and regulations adopted pursuant to the Act, as they may be amended from time to time, except as the context otherwise requires. In addition, the following terms have the meanings ascribed to them in this article.

(Ord. 92-105 § 3).

418-10.404 Bottles.

"Bottles" means and includes containers that hold beverages or food which have necks which are narrower than the rest of the container. It does not include those containers, such as tubs, which have a mouth that is wider than the rest of the container.

(Ord. 92-105 § 3).

418-10.406 Cardboard.

"Cardboard" means and includes material primarily used for boxes, that has a corrugated inner layer.

(Ord. 92-105 § 3).

418-10.408 Glass.

"Glass" means and includes any glass beverage, food, medicine, or toiletry container. It does not include mirrors, window glass, crystal, pottery, ceramics, cooking pots, etc.

(Ord. 92-105 § 3).

418-10.410 HDPE (high-density polyethylene).

"HDPE" means high-density polyethylene. Clear HDPE is most commonly found in milk and water bottles, and colored HDPE is most commonly found in detergent bottles and some plastic bags.

(Ord. 92-105 § 3).

418-10.412 Landfill.

"Landfill" means a disposal facility for land disposal of solid waste.

(Ord. 92-105 § 3).

418-10.414 Local agency.

"Local agency" means and includes cities, the county, and any special district franchising, contracting for, permitting, or in any way providing, residential or commercial solid waste collection and/or disposal service.

(Ord. 92-105 § 3).

418-10.416 Local agency's hauler.

"Local agency's hauler" or "haulers of a local agency" means and includes a local agency's franchised, contracted or permitted residential or commercial solid waste haulers.

(Ord. 92-105 § 3).

418-10.418 Paper.

"Paper" means and includes high-grade ledger, typically used in offices; computer print-out; mixed, including nonfood-contact food packaging such as cereal boxes and colored paper; direct mail; kraft bags; magazines. It does not include newsprint and cardboard.

(Ord. 92-105 § 3).

418-10.420 PET (polyethylene terephthalate).

"PET" means polyethylene terephthalate. By way of illustration, this is the type of plastic from which two-liter beverage containers are made. In addition, some liquor, cooking oil and peanut butter jars are made of PET.

(Ord. 92-105 § 3).

418-10.422 Plastic film.

"Plastic film" means and includes plastic shopping and dry cleaning bags, and shrink wrap used to wrap pallets for shipping. This material is generally coded "4" for low-density polyethylene and "2" for high-density polyethylene.

(Ord. 92-105 § 3).

418-10.424 Polystyrene.

"Polystyrene" means the material that is most commonly used to make foam meat trays, foam cups, yogurt cups, plastic "silverware," packaging pellets and foam blocks.

(Ord. 92-105 § 3).

418-10.426 Tin.

"Tin" means and includes steel and tin cans, including those used for food and beverages.

(Ord. 92-105 § 3).

Article 418-10.6. Recycling Program Required

418-10.602 Recycling program.

Beginning January 1, 1993, an operator of a landfill shall not accept solid waste from the haulers of a local agency that is not implementing a recycling program approved and certified by the board as satisfying the requirements of this chapter.

(Ord. 92-105 § 3).

418-10.604 Program content.

The recycling program may be either a weekly or biweekly curbside collection program or other recycling program such as dropoff or commercial recycling. The recycling program shall include collection or diversion of the

following materials: (a) aluminum cans, (b) glass containers, (c) newsprint, (d) PET bottles, (e) clear HDPE bottles, (f) colored HDPE bottles, (g) steel and tin-plated cans, (h) cardboard, (i) polystyrene, (j) plastic film, (k) yardwaste, and (l) paper. Recycling programs for these materials are to be implemented in accordance with the following time schedule:

(1) January 1, 1993: At least seven out of the twelve materials.

(2) January 1, 1994: At least ten out of the twelve materials.

(3) January 1, 1996: All twelve materials.

(Ord. 92-105 § 3).

418-10.606 Review.

A local agency's recycling program shall be reviewed and recertified by the board at least once every five years. A local agency's source reduction and recycling element submitted in accordance with Public Resources Code Section 41770, may be approved as the local agency's recycling program if it includes all those materials in Section 418-10.604.

(Ord. 92-105 § 3).

418-10.608 Report.

By April 1, 1993, January 1, 1994 and January 1, 1996, each local agency shall submit to the board a certified copy of a resolution or other official action of its governing body and each city council, reporting on and outlining the programs that serve to meet the requirements of Section 418-10.604. Thereafter, each local agency shall submit a certified copy of a resolution or other official action of its governing body reporting on and outlining its programs every five years. The county may, at its option, provide a standardized reporting form.

(Ord. 92-105 § 3).

418-10.610 Amendment.

A local agency may, from time to time, request to amend its recycling program.

(Ord. 92-105 § 3).

418-10.612 Procedure.

Subject to the board's approval, the director of community development may develop rules and procedures for submittal and review of recycling programs, including five-year reviews and amendments of said programs.

(Ord. 92-105 § 3).

418-10.614 Transfer station.

If a local agency's hauler delivers solid waste to a transfer or processing station, the requirements of Sections 418-10.602 and 418-10.604 apply to a landfill operator's acceptance of a local agency's solid waste from the transfer or processing station operator and the station operator's contractors and subcontractors. Where a station operator accepts solid waste from a local agency that is not meeting the requirements of Sections 418-10.602 and

419-10.604, the station operator shall certify to the landfill operator that such local agency's solid waste is not being delivered to the landfill.

(Ord. 92-105 § 3).

Article 418-10.8. Exemptions

418-10.802 Exemptions.

The board may grant exemptions from any of the requirements of Article 418-10.6, including requirements for implementing any component of a local agency's recycling or diversion program.

(Ord. 92-105 § 3).

418-10.804 Filing.

A local agency may request an exemption from the requirements of Article 418-10.6 by filing with the clerk of the board a certified copy of a resolution of the local agency's governing body requesting the board to grant an exemption from the requirements of Article 418-10.6, stating the grounds and facts justifying the request. Request for exemptions shall be submitted by January 1st of the year for which exemption is requested.

(Ord. 92-105 § 3).

418-10.806 Hearing—Notice.

The clerk of the board shall promptly set the matter for hearing at an early regular board meeting, and shall give the local agency at least five days' written notice of the hearing. The board may continue the hearing from time to time, in order to allow complete input from the local agency, staff and other interested parties.

(Ord. 92-105 § 3).

418-10.808 Findings.

The board may grant or conditionally grant an exemption from the requirements of Article 418-10.6 if the board finds that good cause exists therefor. The board shall find that good cause exists for the exemption if any of the following requirements are met:

(a) The local agency is meeting or is likely to meet the waste diversion requirements of the Act without complying with the requirements of Article 418-10.6 as to the material for which the exemption is sought;

(b) As to materials subject to Section 418-10.604, the cost of curbside recycling program of the material exceeds the cost of landfill disposal of the material;

(c) The material is not needed for the county's market development zone; or

(d) The market for a material has been in severe decline or is nonexistent.

(Ord. 92-105 § 3).

418-10.810 Annual review.

Unless a longer period is approved by the board, exemptions granted by the board shall be reviewed on an annual basis pursuant to the procedures set forth in Sections 418-10.804 and 418-10.806. An exemption shall not be renewed unless the board makes the findings required by Section 418-10.808. Requests for exemption renewals shall be submitted by January 1st of the year for which the renewal is requested.

(Ord. 92-105 § 3).

418-10.812 Decision.

The board's decision shall be final and conclusive.

(Ord. 92-105 § 3).

Chapter 418-12 FOOD ESTABLISHMENT LITTER

418-12.002 Findings.

The Environmental Health Division of the Health Services Department enforces the California Uniform Retail Food Facilities Law and issues environmental health permits to food establishments open for business. The board of supervisors finds that the proliferation of trash, litter and sometimes garbage in neighborhoods located near food establishments, including fast food restaurants, is unsightly, unhealthy and has a negative effect on property values. Therefore, the board declares that the provisions in this chapter declaring trash, litter and garbage originating from food establishments to be a public nuisance and requiring abatement of that nuisance, are in the best interest of the public and are necessary to protect public health and safety, promote civic pride, and preserve property values.

(Ords. 2002-48 § 18, 89-49 § 3).

418-12.004 Definition.

"Food establishment" has the meaning set forth in California Health and Safety Code Section 113780. A food establishment includes any business selling perishable food or beverages, or both, in disposable containers or wrapping, for consumption off the premises of the establishment.

(Ords. 2002-48 § 18, 89-49 § 3).

418-12.006 Litter nuisance.

The owner or operator of a food establishment is responsible for the deposit of litter, trash or garbage identifiable as originating from the food establishment, on public property within four hundred feet of any boundary of the premises on which the food establishment is located.

(Ords. 2002-48 § 18, 90-30 § 2, 89-49 § 3, 88-89 § 2).

418-12.008 Nuisance declaration, abatement.

Litter, trash or garbage identifiable as originating from a food establishment on public property within four hundred feet of any boundary of the premises on which the food establishment is located is declared to be a public nuisance. In addition to any other remedy provided by law, this condition may be abated pursuant to Article 14-6.4, except that any lien resulting from an abatement will attach against the real property upon which the food establishment is located.

(Ords. 2002-48 § 18, 90-30 § 2, 89-49 § 3, 88-89 § 2).

Chapter 418-16 SAFE DRUG DISPOSAL

418-16.202 Definitions.

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

(a) "Approved stewardship plan" means a stewardship plan approved by the health officer.

(b) "Approved stewardship program" means a stewardship program that is described in and operates in accordance with an approved stewardship plan.

(c) "Collector" means a person or government entity that collects unwanted covered drugs in an approved stewardship program.

(d) "County residents" means human beings who reside in the unincorporated area of the county.

(e) "Covered drug" means a drug as defined in subsection (f), except for the following:

(1) Vitamins or supplements;

(2) Herbal-based remedies and homeopathic drugs, products or remedies;

(3) Cosmetics, shampoos, sunscreens, toothpaste, lip balm, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.);

(4) Drugs for which producers provide a pharmaceutical product stewardship or take-back program as part of a federal Food and Drug Administration-managed risk evaluation and mitigation strategy under Section 355-1 of Title 21 of the United States Code;

(5) Biological products as defined by 21 Code of Federal Regulations Part 600.3(h) (2015) for which a producer provides a pharmaceutical product stewardship or take-back program; and

(6) Medical devices or their component parts or accessories.

(f) "Drug" means a drug defined in section 321(g)(1) of Title 21 of the United States Code.

(g) "Drug wholesaler" means a person who engages in the sale or distribution of covered drugs to retailers or other entities located in the unincorporated area of the county but not individual consumers.

(h) "Mail-back service" means a collection method for the return of unwanted covered drugs that utilizes prepaid and preaddressed mailing envelopes.

(i) "Manufacturing" means the production, preparation or compounding of a drug, but does not include the repackaging or relabeling of a drug or the preparation, compounding, packaging, labeling,

dispensing or distribution of a drug by a practitioner in the course of ~~his or her~~their professional practice.

(j) "Manufacturer" means a person engaged in manufacturing.

(k) "Pharmacy" means a place licensed by the State of California Board of Pharmacy where the practice of pharmacy is conducted.

(l) "Producer" means the manufacturer of a covered drug that is sold or distributed in any form in the unincorporated area of the county.

(m) "Retail pharmacy" means a pharmacy licensed by the State of California Board of Pharmacy for the retail sale and dispensing of drugs.

(n) "Stewardship plan" means a written document that describes a stewardship program.

(o) "Stewardship program" means a program operated by or on behalf of a producer that provides for the collection, transportation and disposal of unwanted covered drugs generated by county residents.

(p) "Stewardship organization" means a person designated by a producer to develop or implement a stewardship plan or operate a stewardship program on behalf of the producer.

(q) "Unwanted covered drug" means any covered drug that a county resident has obtained and intends to discard, or has discarded, or has abandoned.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.204 Drug wholesalers.

Within sixty days after the effective date of this chapter, and no later than April 1 of every year thereafter, a drug wholesaler shall submit written notification to the health officer of the names and manufacturers of all covered drugs that the drug wholesaler sells or distributes in the unincorporated area of the county.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.206 Producers.

A producer shall satisfy all of the obligations set forth in this section, either individually, jointly with other producers, or by and through a stewardship organization:

(a) Notice of Intent.

(1) Within six months after the effective date of this chapter, a producer shall provide written notice to the health officer of the producer's intent to participate in a stewardship program.

(2) Within six months after the commencement of sale or distribution in the unincorporated area of the county of a covered drug manufactured by the producer, a producer that has not submitted the notice described in subsection (a)(1) shall submit that notice to the health officer.

(b) Identification of Operator.

(1) Within nine months of the effective date of this chapter, a producer shall provide written notice to the health officer of the name of, and contact information for, a person who operates or will operate a stewardship program in which the producer intends to participate.

(2) Within nine months of commencement of sale or distribution in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not submitted the notice described in subsection (b)(1) shall submit that notice to the health officer.

(c) Notification to Retail Pharmacies and Law Enforcement.

(1) Within nine months after the effective date of this chapter, a producer shall provide written notices to all retail pharmacies located in the county and all law enforcement agencies with jurisdiction in the county of the opportunity to participate as collectors. The notice must explain the process for entering into an agreement to participate in the stewardship program.

(2) Within nine months of commencement of sale in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not provided the notices described in subsection (c)(1) shall provide those notices to the designated recipients.

(3) Annually after providing the notices required under subsections (c)(1) or (c)(2), a producer shall provide the same notices to all nonparticipating or new retail pharmacies located in the county.

(d) Plan Submission; Fee.

(1) Within one year after the effective date of this chapter, a producer shall submit to the health officer a stewardship plan that conforms to the requirements set forth in Section 418-16.208, together with payment of a fee established by the board by resolution.

(2) Within one year after commencement of sale in the unincorporated area of the county of a covered drug manufactured by the producer, a producer who has not submitted a stewardship plan under subsection (d)(1) shall submit to the health officer a stewardship plan that conforms to the requirements set forth in Section 418-16.208, together with payment of a fee established by the board by resolution. If a producer seeks to participate in an existing approved stewardship program in lieu of commencing a new stewardship program, the plan required by this subsection must be an amended stewardship plan, and the amended stewardship plan must be submitted by all of the producers identified in the amended plan.

(e) Plan Implementation.

(1) Except as set forth in subsection (e)(2), within ninety days after the health officer's approval of a stewardship plan under subsection 418-16.210(b), a producer shall implement the plan by commencing operation of the stewardship program described in the plan. Commencement of operations of an approved stewardship program must include:

(A) Establishment of the drop-off sites and mail-back services identified in the approved stewardship plan.

(B) Public notice of the availability of unwanted covered drug collection services through postings at collection sites and advertising in local media.

(2) Changes to an approved stewardship program that are set forth in an amended stewardship plan that has been approved by the health officer under subsection 418-16.212(a)(1) must be implemented by the participating producer(s) within ten business days after the approval.

(f) Program Participation. A producer shall participate in an approved stewardship program by providing for the continued operation of an approved stewardship program in accordance with an approved stewardship plan.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.208 Content of stewardship plans.

A stewardship plan must fully describe a stewardship program. The plan must include all of the following:

(a) Identification of and contact information for each participating producer.

(b) Identification of and contact information for the person who will operate the stewardship program.

(c) Description of a collection system that conforms to Section 418-16.214(a), including a list of all collection methods and collectors, a list of drop-off sites, a description of how any periodic take-back events will be scheduled and located, a description of how mail-back services will be provided and an example of the prepaid, preaddressed mailers that may be used.

(d) Description of a system for transporting and disposing of the collected unwanted covered drugs that conforms to Section 418-16.216, including identification of, and contact information for, transporters and disposal facilities to be used.

(e) Description of the policies and procedures to be followed by persons handling collected unwanted covered drugs, including a description of:

(1) How the collected unwanted covered drugs will be safely and securely tracked from collection through final disposal;

(2) How all persons participating in the stewardship plan will comply with all applicable federal and state laws, rules and guidelines, including but not limited to those of the U.S. Drug Enforcement Administration and State of California Board of Pharmacy.

(f) Description of measures reasonably calculated to result in the use by county residents of the collection services to be offered under the stewardship program, such as public education and promotional materials, signage, standardized instructions and establishment of a toll-free number and website where collection options may be publicized.

(g) The short-term and long-term goals of the stewardship program in terms of collection amounts, education, and promotion.

(h) Description of how the stewardship program will consider:

(1) Use of existing providers of pharmaceutical waste services;

(2) Separation of covered drugs from packaging to the extent feasible to reduce transportation and disposal costs; and

(3) Recycling of drug packaging to the extent feasible.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.210 Inspection, approval and rejection of stewardship plans.

(a) Upon submission of a stewardship plan, the health officer will inspect it for the purpose of determining whether it satisfies the requirements set forth in Section 418-16.208.

(b) Within ninety calendar days after submission of a stewardship plan, the health officer will either approve or reject the plan. If the plan conforms to the requirements set forth in Section 418-16.208, the health officer will approve the plan and provide written notice to the producer of the approval.

(c) If the health officer rejects a stewardship plan, the health officer will provide to the producer written notice of the rejection that includes the reasons for the rejection.

(d) Within sixty calendar days after the date of the written notice of rejection of a stewardship plan for a new stewardship program, the producer shall submit to the health officer a revised stewardship plan that conforms to the requirements set forth in Section 418-16.208, together with payment of a fee established by the board by resolution.

(e) If the health officer rejects a revised stewardship plan, each producer identified in the plan is in violation of this chapter and will remain in violation of this chapter until the producer commences participation in an approved stewardship program.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.212 Changes to existing stewardship programs; new programs.

(a) Changes.

(1) Substantive changes may be made to an existing approved stewardship program only with the prior written approval of the health officer. Substantive changes include changes in the location, number or operating hours of drop-off sites or periodic take-back events; changes in collection methods; changes in mail-back service procedures; changes in the policies or procedures to be followed by persons handling collected unwanted covered drugs; changes required in response to federal, state or local laws or regulations; and changes in stewardship program operators or participating producers. Except as set forth in subsection 418-16.206(d)(2), the participating producers identified in the approved stewardship plan shall submit any proposed substantive changes to the health officer in the form of an amended stewardship plan, along with a written explanation of the change(s) and payment of a fee established by the board by resolution. The health officer will approve an amended stewardship plan if it conforms to applicable requirements set forth in Section 418-16.208. If an amended stewardship plan submitted to the health officer under this section is rejected by the health officer for non-conformance with the applicable requirements set forth in Section 418-16.208, the approved stewardship program may continue to operate in accordance with the approved stewardship plan.

(2) The following non-substantive changes to an approved stewardship program may be made only with twenty days advance written notification by the program operator to the health officer: Changes in location of a collection kiosk within a retail pharmacy; changes in methods of distribution of prepaid, preaddressed mailers used for the mail-back of unwanted covered drugs; changes in contact information for the program operator and participating producers; and changes in the system described in subsection 418-16.208(d).

(3) Other than the changes described in subsections (a)(1) and (a)(2), changes may be made to an approved stewardship program without the prior approval of or notification to the health officer.

(4) An approved stewardship plan that is changed in accordance with this section will be deemed an approved stewardship plan. An approved stewardship program that is changed in accordance with this section will be deemed an approved stewardship program.

(b) New Programs. After implementation of an approved stewardship program, a participating producer may propose the formation of a new stewardship program by submitting to the health officer a stewardship plan that conforms to the requirements set forth in Section 418-16.208, together with payment of a fee established by the board by resolution.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.214 Collection of unwanted covered drugs.

(a) Collection System Requirements. A stewardship program's collection system must meet all of the following requirements:

(1) Provide safe and secure collection services within the unincorporated area.

(2) Provide for the operation of at least three drop-off sites in each supervisorial district for the collection of unwanted covered drugs, in locations that allow for convenient and equitable access by residents of the unincorporated areas of those districts, to the greatest extent feasible. If providing for the operation of at least three drop-off sites is not feasible in a supervisorial district, a stewardship program's collection system must provide for the operation of as many drop-off sites in the district as is feasible, in addition to both of the following methods of collection of unwanted covered drugs:

(A) A free mail-back service that allows for convenient and equitable access by all county residents in the district.

(B) Periodic take-back events that are at least six hours in length and held once per quarter of each calendar year in at least three locations in the district.

(3) Give preference to having retail pharmacies and law enforcement agencies serve as collectors.

(4) Include, as collectors, any retail pharmacy or any law enforcement agency that offers to serve as a collector of unwanted covered drugs and is able to meet the requirements of this chapter within three months of the offer.

(5) Make available free mail-back services to county residents who are disabled or homebound, in a manner that allows for convenient and equitable access to these services by these persons.

(b) Collector Requirements.

(1) A collector shall operate a drop-off site in accordance with this chapter and all applicable state and federal laws and regulations applicable to the handling of covered drugs.

(2) A collector shall accept all unwanted covered drugs from county residents during all hours that the collector is normally open for business.

(3) A collector that is not a law enforcement agency shall utilize secure collection bins in compliance with all applicable legal requirements.

(c) Commencement. The collection of unwanted covered drugs under a stewardship program under this chapter may commence only after the stewardship plan under which the program will operate has been approved by the health officer.

(d) Nothing in this chapter shall be construed to require any person or government entity to serve as a collector under a stewardship plan.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.216 Transport and disposal.

(a) All unwanted covered drugs that are collected under an approved stewardship program must be transported only by a person who operates under all required permits and licenses.

(b) All unwanted covered drugs that are collected under an approved stewardship program must be disposed of only at a medical waste facility or hazardous waste facility that operates under all required permits and licenses.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.218 Reporting.

Within six months after the end of the first twelve-month period of operation of an approved stewardship program, and annually thereafter, the program operator shall submit a report to the health officer that details the following information about program operations during the reporting period:

(a) A list of all participating producers.

(b) The weight of all unwanted covered drugs collected, including the weight of unwanted covered drugs collected using each collection method utilized in the program.

(c) A list of all drop-off sites.

(d) The number of mailers provided to county residents.

(e) The locations where mailers were provided, if applicable.

(f) The dates and locations of collection events held, if applicable.

(g) A list of all transporters used.

(h) A list of all facilities to which the collected unwanted covered drugs were transported.

(i) Any safety or security problems that occurred during collection, transportation or disposal of unwanted covered drugs, and changes made or proposed to alleviate those problems.

(j) A description of all public education and promotion activities.

(k) A description of how collected packaging was recycled to the extent feasible; including identification of the recycling facilities used.

(l) A discussion of the degree of success in meeting the short- and long-term goals of the approved stewardship program, and to the extent goals were not met, plans to achieve those goals in the next reporting period.

(m) Total expenditures of the approved stewardship program.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.220 Costs and fees.

(a) The administrative and operational costs of an approved stewardship program will be the sole responsibility of the participating producer(s), except as set forth in subsection (c).

(b) No person may charge a point-of-sale fee or point-of-collection fee to recoup any costs of an approved stewardship program.

(c) Nothing in this chapter shall be construed to require a producer to pay for staff time provided by collectors who agree to participate in an approved stewardship program.

(d) Revenues from fees paid under this chapter may be used only to pay for the costs incurred by the health officer in the performance of investigations, inspections and audits under this chapter and the administrative enforcement and adjudication thereof.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.222 Audits, inspections and investigations.

(a) Audits. The health officer may audit the records of stewardship program for the purpose of enforcing the provisions of this chapter. Upon request of the health officer, the operator of the program shall provide the health officer with access to perform audits of the program's records at reasonable times.

(b) Inspections and Investigations. Whenever it is necessary to inspect a drop-off site or other property to enforce the provisions of this chapter, or whenever the health officer has cause to believe that there exists on any property any violation of this chapter, the health officer may enter the property to inspect and gather evidence or perform the duties imposed on the health officer by this chapter. Entry may be made at any reasonable time upon advance notice to the owner or occupant of the property. If entry is refused, the health officer is authorized to proceed pursuant to Code of Civil Procedure Section 1822.50 and following, and pursue any and all other remedies provided by law, to secure entry.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.224 Enforcement.

(a) The health officer will enforce the provisions of this chapter.

(b) The health officer is authorized to determine whether a person has violated a provision of this chapter.

(c) If the health officer determines that any person has violated any provision of this chapter, the health officer will first serve a notice of violation on the person who violated it as specified in subsection 418-16.226(h), and provide an opportunity to the person to cure the violation before any other enforcement action is taken under Section 418-16.226 or other provisions of this Code. The notice of violation will include all of the following information:

(1) The date of the violation.

(2) The name of the violator.

(3) The address or location where the violation occurred.

(4) The Code section(s) violated and a description of the violation.

(5) A description of how the violation can be corrected.

(6) A specified time period, beginning on the service date, within which the violation must be corrected.

(7) An advisement that the violator may be subject to an administrative fine under this article if the violation is not corrected by the effective date, and the amount of that fine.

(d) The person shall have thirty calendar days after receipt of the notice, or other time agreed to in writing by the person and the health officer, to correct the violation.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.226 Administrative penalties.

(a) Applicability and Authorization.

(1) This section provides for administrative fines that the health officer may impose, enforce, and collect to address any violation of this chapter.

(2) Remedies under this section are in addition to any other remedy allowed by this Code or applicable law.

(b) Definitions. For purposes of this section, the following words and phrases have the following meanings:

(1) "Effective date" means the date by which a violation must be corrected, as specified in a notice of violation.

(2) "Hearing examiner" means the public health director.

(3) "Service date" means the date a notice or decision is served in accordance with subsection (h).

(4) "Responsible person" means a person who is determined by the health officer to have violated a provision of this chapter.

(c) Administrative Fines.

(1) Imposition. The health officer may impose an administrative fine on a responsible person if the violation has not been corrected in the time period specified in the notice of violation.

(2) Notice of Fine. An administrative fine will be assessed by means of a notice of fine. The responsible person will be served with the notice of fine as specified in subsection (h). The notice of fine will include all of the following information:

(A) The date of the violation.

(B) The code section(s) violated and a description of the violation.

(C) The amount of the fine.

(D) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.

(3) Continuing Violations. Acts, omissions, or conditions in violation of any section of this chapter that continue, exist or occur on more than one day constitute separate violations and offenses on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations.

(4) Fine Amounts. The amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same provision of this chapter, and five hundred dollars for each additional violation of the same provision within one year.

(d) Appeals.

(1) Any person upon whom an administrative fine is imposed by the health officer may request a hearing pursuant to the procedures set forth in this subsection. The appellant must file a written appeal with the health officer within fifteen calendar days after the service date of the notice of fine. The written appeal must contain:

(A) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and

(B) A brief statement of the material facts that the appellant claims supports ~~his or her~~the appellant's contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.

(2) Notice of the hearing will be served on the appellant as specified in subsection (h). The health officer will set the hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of hearing.

(3) An appeal of an administrative fine imposed for violations of this chapter will be heard by the hearing examiner.

(4) At the hearing, the appellant will be given the opportunity to testify, and present written and oral evidence.

(5) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.

(6) After considering the testimony and evidence submitted at the hearing, or after the appellant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in subsection (h).

(e) Final Administrative Order. The imposition of the administrative fine becomes a final administrative order at one of the following times:

(1) On the date the notice of fine is served, if the responsible person fails to file a written appeal to the health officer within the time specified.

(2) On the date the written decision by the hearing examiner is served, if the responsible person files a written appeal to the health officer within the time specified.

(f) Payment of the Fine. The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this article does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(g) Collection. If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

(1) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure Section 1033.5.

(2) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure Section 680.010 et seq.

(h) Service. All notices or decisions required to be served by this section or Section 418-16.224 will be served by any of the methods specified below:

(1) First Class Mail. First class mail will be addressed to the responsible person at the address for service of process for the responsible person or to the last address provided by the responsible party to the health officer. Service is deemed complete upon the deposit of the notice or decision, postage pre-paid, in the United States mail.

(2) Personal Service. Personal service is deemed complete on the date the notice or decision is personally served on the violator.

(i) Judicial Review. A final administrative order may be appealed to the superior court of the county in accordance with the provisions set forth in Government Code Section 53069.4.

(Ord. No. 2016-24, § IV, 12-20-16)

418-16.228 Regulations.

The health officer may propose regulations to make more detailed or specific the provisions of this chapter. The regulations are not effective unless adopted by the board by resolution. Effective regulations will be deemed incorporated into this chapter by this reference.

(Ord. No. 2016-24, § IV, 12-20-16)

Chapter 418-18 ENVIRONMENTALLY-FRIENDLY FOOD PACKAGING

418-18.002 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

(a) "Environmentally-friendly food service ware" means food service ware that meets one of the following criteria:

(1) Single-use, disposable containers and other products made from recyclable materials and used for selling, vending, or serving food or beverages, including but not limited to cups, bowls, plates, and hinged or lidded containers (clamshells).

(2) Products that can be used more than once in their current form to serve or transport prepared, ready-to-consume food or beverages, including but not limited to cups, bowls, plates, and containers made from ceramic, glass, porcelain, metal, or other composite or product intended to be reused.

(b) "Food vendor" means a person that does one or more of the following in unincorporated Contra Costa County:

(1) Sells prepared food to the public at retail, whether take-out, dine-in, or delivery, including sales of prepared food from food trucks.

(2) Provides prepared food to the public, including at organized or special events, whether or not for sale.

(3) Provides prepared food to clients or residents of facilities, such as board-and-care facilities, homeless shelters, food banks, food assistance programs, senior centers, nursing homes, schools, hotels, or clinics, whether or not for sale.

(c) "Polystyrene-based" means and includes expanded polystyrene, which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene). The term "polystyrene" also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene (EPS)), and clear or solid polystyrene known as oriented polystyrene.

(d) "Polystyrene food service ware" means polystyrene-based, single-use, disposable containers and other products used for selling, vending, or serving food or beverages. Polystyrene food service ware includes, but is not limited to, cups, bowls, plates, and hinged or lidded containers (clamshells) that are made from expanded or extruded polystyrene. For the purposes of this ordinance, polystyrene food service ware does not include any of the following products: straws, splash sticks, stir sticks, soup lids, drink lids, utensils, tablecloths, egg cartons, and liquid cartons.

(e) "Prepackaged food" means any properly-labeled processed food that is prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer.

(f) "Prepared food" means food or beverages that are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared. Prepared food does not include raw eggs, fish, meat, or poultry, or any raw foods containing those raw materials.

(g) "Raw meat trays" means trays used for packaging raw meat, poultry, seafood, or other similar protein intended to be cooked or prepared offsite.

(h) "Recyclable materials" means any materials that are accepted in the recycling collection programs in unincorporated Contra Costa County.

(Ord. 2019-25, § 2, 10-8-19)

418-18.004 Polystyrene food service ware prohibited.

Beginning on May 1, 2020:

(a) A food vendor shall not provide polystyrene food service ware to any person. A food vendor shall use only environmentally-friendly food service ware.

(b) A person shall not sell, at wholesale or at retail, polystyrene-based food service ware.

(Ord. 2019-25, § 2, 10-8-19)

418-18.006 Use of polystyrene at county facilities.

(a) A lease or rental agreement between the county and a person for the occupancy or use of a county facility shall require the use of environmentally-friendly food service ware at the facility being leased or rented.

(b) A contract with a person to provide services to or on behalf of the county shall require the use of environmentally-friendly food service ware in connection with the provision of those services.

(Ord. 2019-25, § 2, 10-8-19)

418-18.008 Exempt products and food vendor hardship exemptions.

(a) Exempt products. Notwithstanding anything to the contrary contained in this chapter, this chapter does not prohibit the sale or use of any of the following:

(1) Prepackaged food products that do not use environmentally-friendly packaging, or that use polystyrene-based packaging materials.

(2) Polystyrene-based ice chests and coolers intended to be reused.

(3) Raw meat trays.

(b) Food vendor hardship exemptions.

(1) Application for hardship exemption. A food vendor may request a hardship exemption from the requirements of this chapter by submitting a written request to the public works director. The food vendor must establish to the satisfaction of the public works director that use of environmentally-friendly food service ware will cause an undue hardship to the vendor, or that no suitable alternative to polystyrene food service ware is available in the form of environmentally-friendly food service ware. The public works director may require the food vendor to provide additional information in support of

its request for a hardship exemption, including but not limited to a list of available alternative packaging materials and the reasons why those materials cannot be used without causing a hardship to the food vendor. A hardship does not exist solely on the basis that an environmentally-friendly food service ware product costs more than a similar polystyrene food service ware product.

(2) Determination. A food vendor that submits a written request for a hardship exemption will be issued a written decision by the public works director indicating whether the hardship exemption is granted. A written decision denying a hardship exemption will explain the reasons for the denial.

(3) Term. A hardship exemption is valid for a period of one year from the date the public works director approves the exemption.

(4) Successive exemptions permitted. A hardship exemption does not automatically renew, and a new application for a hardship exemption is required to obtain a successive one-year hardship exemption. There is no limit on the number of successive one-year hardship exemptions a food vendor may apply for under this section.

(Ord. 2019-25, § 2, 10-8-19)

418-18.010 Enforcement.

The public works director is responsible for enforcing the requirements of this chapter within unincorporated Contra Costa County. The county may seek compliance with this chapter by any remedy allowed under this Code, including, but not limited to, administrative fines, infraction citations, and any other remedy allowed by law.

(Ord. 2019-25, § 2, 10-8-19)

Chapter 418-20 ORGANIC WASTE DISPOSAL REDUCTION

418-20.202 Limits of application.

This chapter to regulate the handling of organic waste does not apply within the jurisdictional boundaries of sanitary districts, community services districts, and public utility districts, to the extent that these districts provide solid waste handling services or implement source reduction and recycling programs.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.204 Definitions.

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

(a) "Commercial business" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, that operates a business facility in the unincorporated area, including, by way of example and without limitation, strip malls, industrial facilities and multifamily residential dwellings consisting of five or more units.

(b) "Commercial edible food generator" means an entity, other than a food recovery organization or food recovery service, that:

(1) Disposes of edible food in the course of the entity's operation of a commercial business;

(2) Disposes of edible food in the course of the entity's operation of a large venue or large event, either directly or indirectly through a food facility; or

(3) Arranges for the recovery of edible food that would otherwise be disposed of in the course of the entity's operation of a commercial business, large venue or large event.

(c) "Commercial hauler" means a hauler that collects organic waste from organic waste generators in the unincorporated area in the course of operation of a business.

(d) "Community composting site" means a location where green material, agricultural material, food material, or vegetative food material is composted, and the total amount of feedstock and compost on-site at any one time does not exceed one hundred cubic yards and seven hundred fifty square feet.

(e) "Director" means the director of conservation and development or designee.

(f) "Edible food" means food that is intended for human consumption and meets the food safety requirements of the California Retail Food Code.

(g) "Food" means food as defined in Section 113781 of the California Health and Safety Code.

(h) "Food distributor" means a commercial business that distributes food to entities including, but not limited to, supermarkets and grocery stores.

(i) "Food facility" means a food facility as defined in Section 113789 of the California Health and Safety Code.

(j) "Food recovery" means the collection of food designated for disposal and the distribution of the collected food for human consumption.

(k) "Food recovery organization" means an entity that collects or receives edible food from commercial edible food generators or food recovery services and, either directly or indirectly, distributes that edible food to the public for consumption. Food recovery organizations include, but are not limited to, all of the following:

(1) Food banks as defined in Section 113783 of the California Health and Safety Code;

(2) Nonprofit charitable organizations as defined in Section 113841 of the California Health and Safety Code; and

(3) Nonprofit charitable temporary food facilities as defined in section 113842 of the California Health and Safety Code.

(l) "Food recovery service" means a person who collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for distribution to the public for consumption.

(m) "Food service provider" means a person primarily engaged in providing contracted food services to institutional, governmental, commercial, or industrial customers.

(n) "Garbage container" means a container that is utilized in an organic waste collection service and intended for the collection of only non-organic waste.

(o) "Grocery store" means a store located in the unincorporated area of the county that is primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, fresh meats, fish and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments.

(p) "Hauler" means a person who collects material from an organic waste generator and delivers it to a reporting entity as defined in Section 18815.2, subdivision (a)(48), of Title 14 of the California Code of Regulations, an end user, or a destination outside of the State of California.

(q) "High diversion organic waste processing facility" means a high diversion organic waste processing facility as defined in Section 18982, Subdivision (a)(33), of Title 14 of the California Code of Regulations.

(r) "Large event" means an event in the unincorporated area of the county that is attended by an average of more than two thousand individuals each day of the event and that (1) requires payment of an admission price; or (2) is operated by a local agency.

(s) "Large venue" means a permanent venue facility in the unincorporated area of the county where an average of more than two thousand individuals are seated or served each day of operation. By way of example and without limitation, venue facilities include stadiums, amphitheaters, arenas, halls, amusement parks, conference or civic centers, zoos, aquariums, airports, racetracks, horse tracks, performing arts centers, fairgrounds, museums, theaters, and other public attraction facilities. A site under common ownership or control that includes two or more contiguous large venues is a single large venue.

(t) "Organic waste" means solid waste containing material originated from living organisms and their metabolic waste products including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

(u) "Organic waste collection service" means a service provided to customers by a hauler under a franchise agreement to collect routinely generated organic waste from properties in the unincorporated area.

(v) "Organic waste container" means a container utilized in an organic waste collection service that is intended for the collection of only organic waste.

(w) "Organic waste generator" means a person who:

(1) Resides in, or operates a commercial business or other facility located in, the unincorporated area of the county; and

(2) Creates organic waste.

(x) "Person" means an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(y) "Prohibited container contaminants" means any of the following:

(1) Non-organic waste placed in an organic waste container.

(2) Carpets, non-compostable paper, hazardous wood waste, or organic textiles placed in an organic waste container.

(3) Organic waste placed in a garbage container, if the organic waste is intended to be collected only in an organic waste container or recycling container in accordance with the requirements of the organic waste collection service provided to the generator.

(4) Organic waste placed in a recycling container, except for paper products, printing and writing paper, wood and dry lumber.

(z) "Property owner" means the owner of real property.

(aa) "Recycling container" means a container that is utilized in an organic waste collection service and intended for the collection of only non-organic recyclables.

(bb) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption.

(cc) "Self-hauler" means an organic waste generator who does one or more of the following:

(1) Hauls organic waste generated by the self-hauler in the unincorporated area to another person, or

(2) Hauls organic waste generated by the self-hauler in the unincorporated area to another destination owned and operated by the self-hauler, using the self-hauler's own employees and equipment.

(dd) "Source separated organic waste" means organic waste that the generator has segregated from other types of waste at the location where the waste was generated.

(ee) "Supermarket" means a full-line, self-service retail store located in the unincorporated area of the county that has gross annual sales of $2,000,000.00 or more and sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

(ff) "Tier one commercial edible food generator" means a commercial edible food generator that operates a grocery store with a total facility size equal to or greater than ten thousand square feet, or operates a supermarket, or is a food distributor, wholesale food vendor, or food service provider that serves customers in the unincorporated area of the county.

(gg) "Tier two commercial edible food generator" means a commercial edible food generator that:

(1) Operates a large venue or large event; or

(2) Operates one of the following in the unincorporated area of the county:

(A) A restaurant with two hundred fifty or more seats, or a total facility size equal to or greater than five thousand square feet;

(B) A hotel that has an on-site food facility and two hundred or more rooms; or

(C) A health facility that has an on-site food facility and one hundred or more beds.

(hh) "Wholesale food vendor" means a commercial business where food is received, shipped, stored, and prepared for distribution to a retailer, warehouse, distributor, or other destination.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.206 Mandates on organic waste generators.

(a) Subject to Section 418-20.210, organic waste generators shall do at least one of the following:

(1) Subscribe to and comply with the requirements of an organic waste collection service that is provided to the organic waste generator. An organic waste generator will be deemed to be in compliance with the subscription requirement if a property owner or commercial business subscribes to an organic waste collection service that is made available to the organic waste generator.

(2) Self-haul organic waste in a manner that complies with Subsection 418-20.212(b).

Notwithstanding the requirement in this subsection, nothing in this chapter is intended to prohibit an organic waste generator from preventing or reducing organic waste generation, managing organic waste onsite, using a community composting site, or contracting with commercial haulers to collect organic waste not routinely generated.

(b) Prohibited Contaminants. Organic waste generators shall not place any material into a collection container that is utilized in an organic waste collection system if the material would constitute a prohibited container contaminant upon placement in the container.

(c) Commercial Businesses. Organic waste generators that are commercial businesses, other than multifamily residential dwellings, shall comply with the following additional requirements:

(1) Provide containers in accordance with the following:

(A) If the business generates organic waste, the business must provide an organic waste collection container in each area where a disposal container is provided for customers, except for restrooms.

(B) If the business generates non-organic recyclables, provide a non-organic recyclables container in each area described in Subsection 418-20.206(d)(1)(A).

(C) A container described in Subsections 418-20.206(d)(1)(A) or (d)(1)(B) must:

(i) Have a body or lid that conforms to the color of the container that is provided for the described waste in the organic waste collection system to which the business subscribes; or

(ii) Have a label that includes language or graphic images or both that indicates the primary materials accepted in the container and primary contaminants.

Notwithstanding the foregoing, a commercial business is not required to replace functional containers that do not conform to the requirements in this subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(2) Provide training to employees in accordance with the following:

(A) Inform employees that only organic waste may be placed in organic waste containers.

(B) Prohibit employees from placing organic waste in a container not designated to receive that waste.

(3) Periodically inspect organic waste containers for contaminants and inform employees if any are found, and that only organic waste may be placed in such containers.

(d) Exception. The requirements in Subsections 418-20.206(a) and (c) do not apply to publicly operated treatment works that generate biosolids.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.208 Mandates on commercial businesses.

(a) Organic Waste Collection. Subject to Section 418-20.210, commercial businesses shall do both of the following:

(1) Provide or arrange for the collection of organic waste generated by the employees, contractors, tenants and customers of the business. A commercial business that is a tenant of another commercial business that provides or arranges for the collection of organic waste on behalf of the tenant and the tenant's employees, contractors, tenants and customers will be deemed to be in compliance with this requirement.

(2) Provide collection containers within the premises of the business that are of sufficient number and size for the business.

(b) Information. Commercial businesses shall, at least annually, provide information to employees, contractors, tenants and customers about organic waste recovery requirements and the proper sorting of organic waste. Commercial businesses shall provide this information to a new tenant before or within fourteen days after the tenant's occupation of the premises.

(c) Access. Commercial businesses shall provide or arrange for access to their business premises by authorized county representatives for the purpose of conducting lawfully authorized inspections under this chapter.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.210 Waivers.

(a) De Minimis Waivers. The director may waive the obligation of a commercial business to comply with any or all of the requirements in Section 418-20.206 or Section 418-20.208 if the business applies for a waiver in accordance with Subsection 418-20.210(c) and finds that the business generates a de minimis amount of waste, which may constitute either of the following:

(1) The total volume of solid waste collected at the business is two cubic yards or more per week, and:

(A) Organic waste that must be collected in an organic waste container comprises less than twenty gallons per week of the business' total solid waste; or

(B) Organic waste that must be collected in a recycling container comprises less than twenty gallons per week of the business' total solid waste.

(2) The total volume of solid waste collected at the business is less than two cubic yards per week, and:

(A) Organic waste that must be collected in an organic waste container comprises less than ten gallons per week of the business' total solid waste; and

(B) Organic waste that must be collected in a recycling container comprises less than ten gallons per week of the business' total solid waste.

(b) Physical Space Waivers. The director may waive the obligation of a commercial business or property owner to comply with any or all of the requirements in Section 418-20.206 or Section 418-20.208 if the commercial business or property owner applies for a waiver in accordance with Subsection 418-20.210(c) and the director finds that the business or property owner lacks sufficient space on the premises to accommodate the carts utilized in the organic waste collection service available to the applicant.

(c) Application. An applicant for a waiver or renewal of a waiver under this section must submit a written application to the director along with payment of a fee set by the board of supervisors by resolution. As part of the application, the applicant must identify the requirements sought to be waived, provide evidence that the business is qualified for a waiver under one of the grounds set forth in this section, and authorize the director to conduct periodic inspections of the applicant's premises for the purpose of verifying that the applicant meets the qualifications for a waiver.

(d) Issuance; Validity. If the director determines that the applicant for a waiver or renewal of a waiver meets the qualification for the waiver, the director shall issue the waiver or renewal of a waiver. A waiver or renewal of a waiver issued under Subsection 418-20.210(a) will be valid for three years unless rescinded. A waiver or renewal of a waiver under Subsection 418-20.210(b) will be valid for five years unless rescinded.

(e) Transferability. Except as follows, waivers granted under this section are not transferable. The owner or operator of a commercial business or property owner for which a waiver has been issued under the grounds set forth in Subsection 418-20.210(b) may transfer the waiver to a purchaser of the business or property if the director determines in advance that the physical space available for cart collection at the time of the sale is the same or smaller than the physical space available at the time of issuance of the waiver.

(f) Rescission. If the director receives evidence that a person granted a waiver or renewal of a waiver under this section no longer meets the qualifications for the waiver, the director may rescind the waiver, provided that prior to rescission:

(1) The person is provided written notice of intent to rescind the waiver;

(2) The notice sets forth evidence that the person no longer qualifies for the waiver;

(3) The notice provides a reasonable opportunity for the person to respond;

(4) The director considers any and all evidence provided by the person in response to the notice; and

(5) The director provides the person with written notice of the rescission.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.212 Mandates on haulers.

(a) Commercial Haulers.

(1) All commercial haulers shall comply with all applicable permit and other requirements in Chapter 418-2, and the terms of any applicable solid waste collection franchise agreement approved by the county or solid waste joint powers authority.

(2) A commercial hauler shall maintain a copy of its authorization by the county to collect organic waste from organic waste generators.

(3) A commercial hauler shall take organic waste collected from an organic waste generator to a location identified in this section only with the consent of the owner or operator of the location.

(4) A commercial hauler shall take organic waste collected from an organic waste generator only to a solid waste facility, solid waste operation or other location where organic waste is lawfully recovered, as more particularly described in, and in accordance with applicable provisions of, Article 2 of Chapter 12 of Division 7 of Title 14 of the California Code of Regulations, effective January 1, 2022.

(5) Exceptions. The requirements in Subsections 418-20.212(a)(2) and 418-20.212(a)(4) do not apply to:

(A) The lawful transport of source separated organic waste to a community composting site; or

(B) The lawful transport of construction and demolition debris under the California Green Building Standards Code as adopted by Subsection 74-2.002(d) and as amended by Subsections 74-4.006(e) and (o), to the extent any of these provisions are applicable.

(b) Self-Haulers.

(1) General. An organic waste generator may self-haul its own organic waste in accordance with this subsection.

(2) Handling Requirements. A self-hauler shall do one of the following:

(A) Source-separate the organic waste from other waste types, and take the organic waste to a lawfully operated solid waste facility, lawfully operated solid waste operation or other location where source-separated organic waste is processed or recovered in accordance with applicable legal requirements. Notwithstanding the foregoing, a self-hauler is not required to source-separate construction and demolition debris that is transported in accordance with the legal requirements referenced in Subsection 418-20.212(a)(5)(B).

(B) Take the organic waste to a high diversion organic waste processing facility.

(3) Records. Except for residential organic waste generators, a self-hauler of organic waste shall keep for a minimum of five years any and all delivery receipts and weight tickets issued by entities that received the self-hauler's waste, or a list of entities that received the waste if delivery receipts and weight tickets are not available.

(c) Nothing in this section is intended to or shall be interpreted to authorize a commercial hauler or self-hauler to provide services that another hauler has an exclusive right to provide under a valid franchise agreement with the county.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.214 Mandates on commercial edible food generators.

(a) Compliance Date. This section applies only to tier one commercial edible food generators and tier two commercial edible food generators. Tier one commercial edible food generators shall comply with the requirements of this section commencing no later than January 1, 2022. Tier two commercial edible food generators shall comply with the requirements of this section commencing no later than January 1, 2024.

(b) Recovery Requirement. A commercial edible food generator described in Subsection 418-20.214(a) shall have a contract or written agreement with at least one food recovery organization or food recovery service for the purpose of recovering the maximum amount of edible food that would otherwise be disposed of.

(c) Prohibition. Commercial edible food generators described in Subsection 418-20.214(a) shall not intentionally spoil edible food that could otherwise be recovered.

(d) Records. Commercial edible food generators described in Subsection 418-20.214(a) shall keep records as follows for a minimum of five years:

(1) A list of each food recovery service and food recovery organization that collects or receives edible food from the commercial edible food generator.

(2) Copies of contracts or written agreements with food recovery organizations or food recovery services.

(3) As to each food recovery service and food recovery organization with which the commercial edible food generator has a contract or written agreement under Subsection 418-20.214(b), records of all the following:

(A) The name, address, and contact information of the food recovery service or food recovery organization;

(B) The types of food to be collected by or transported to the food recover service or food recovery organization;

(C) The established frequency of collection by or transport of edible food to the food recovery service or food recovery organization; and

(D) The number of pounds of edible food collected by or transported to the food recovery service or food recovery organization each month.

(e) Large Events and Large Venues. A commercial edible food generator that operates a large venue or large event but does not directly provide food service shall require food facilities operating at the large venue or large event to comply with the requirements of this section.

(f) Exception. A commercial edible food generator is not required to comply with this section if the commercial edible food generator demonstrates to the director the existence of extraordinary circumstances beyond the control of the commercial edible food generator that make such compliance impracticable. For purposes of this section, "extraordinary circumstances" are:

(1) A failure by the county to increase edible food recovery in accordance with requirements set forth in Section 18991.1 of Title 14 of the California Code of Regulations; or

(2) Earthquakes, wildfires, flooding, or other emergencies or natural disasters.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.216 Mandates on food recovery services and food recovery organizations.

(a) Recordkeeping.

(1) Food Recovery Services. A food recovery service that is located in the unincorporated area of the county and collects or receives edible food from a tier one commercial edible food generator or tier two commercial edible food generator under a contract or written agreement entered into under Subsection 418-20.214(b) shall keep and maintain records as follows for a minimum of five years:

(A) The name and address of, and contact information for, each tier one commercial edible food generator and tier two commercial edible food generator from which the food recovery service collects edible food.

(B) The number of pounds of edible food that the food recovery service collects each month from each tier one commercial edible food generator and tier two commercial edible food generator.

(C) The number of pounds of edible food transported each month to each food recovery organization.

(D) The name and address of, and contact information for, each food recovery organization to which the food recovery service transports edible food for food recovery.

(2) Food Recovery Organizations. A food recovery organization that is located in the unincorporated area of the county and collects or receives edible food from a tier one commercial edible food generator or tier two commercial edible food generator under a contract or written agreement entered into under Subsection 418-20.214(b) shall maintain records as follows for a minimum of five years:

(A) The name and address of, and contact information for, each tier one commercial edible food generator and tier two commercial edible food generator from which the food recovery organization collects edible food.

(B) The number of pounds of edible food that the food recovery organization receives each month from each tier one commercial edible food generator and tier two commercial edible food generator.

(C) The name and address of, and contact information for, each food recovery service from which the food recovery organization receives edible food for food recovery.

(b) Reporting. Food recovery organizations and food recovery services that have contracts or written agreements with tier one commercial edible food generators or tier two commercial edible food generators under Subsection 418-20.216(a)(1) or Subsection 418-20.216(a)(2) must annually report to the director the number of pounds of edible food recovered in the previous calendar year.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.218 Edible food recovery capacity planning; requests for information.

(a) Food recovery services and food recovery organizations shall respond to requests by the director for information regarding existing and available, or proposed new or expanded, capacity for storage of recovered edible food, within sixty days after receipt of the request.

(b) Public agencies shall respond to requests by the director for information pertaining to edible food recovery capacity within one hundred twenty days after receipt of the request.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.220 Inspections and investigations.

Whenever it is necessary to inspect property to enforce the provisions of this chapter under State law or regulations or otherwise, or whenever the director has cause to believe that there exists on any property any violation of this chapter, the director may enter the property to inspect and gather evidence or perform the duties imposed on the director by this chapter. Entry may be made at any reasonable time upon advance notice to the owner or occupant of the property. If entry is refused, the director is authorized to proceed by pursuing any and all remedies provided by law to secure entry. Notwithstanding the foregoing, nothing in this section authorizes the director to enter private areas of residential properties.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.222 Administrative fines.

(a) The director is authorized to determine that a requirement of this chapter has been violated.

(b) Definitions. For purposes of this section, the following words and phrases have the following meanings:

(1) "Compliance period" means a sixty-day period of time in which a violation must be corrected, commencing with the date of issuance of a notice of violation. For purposes of this section, the date of issuance of a notice of violation will be the service date.

(2) "Service date" means the date a notice or decision is served in accordance with Subsection 418-20.222(j).

(3) "Responsible person" means a person who is determined by the director to have violated a provision of this chapter.

(c) Prohibited contaminant violations. If the director determines that a requirement under Subsection 418-20.206(b), has been violated, the director will serve written notice on the responsible person before taking any other enforcement action under this chapter against the responsible person with regard to the violation. The notice will contain all of the following:

(1) A description of the violation; and

(2) Information about the requirement to properly separate materials into the appropriate containers.

(d) Notice of Violation.

(1) If the director determines that a requirement of this chapter has been violated on or after January 1, 2024, the director may issue a notice of violation to the responsible person. A notice of violation will require the responsible person to correct the violation and contain all of the following information:

(A) The date of the violation;

(B) The address or location where the violation occurred;

(C) The code section violated and description of the violation;

(D) A description of how the violation can be corrected;

(E) The compliance period; and

(F) An advisement that the violator may be subject to an administrative fine under this article if the violation is not corrected within the compliance period, and the maximum amount of that fine.

(2) The director may extend the compliance period set forth in a notice of violation if the director finds that extenuating circumstances beyond the control of the responsible person make compliance by the compliance date impracticable. For the purpose of this section, "extenuating circumstances" are:

(A) Earthquakes, wildfires, flooding, and other emergencies or natural disasters;

(B) Delays in obtaining a discretionary permits or other government agency approvals; or

(C) Deficiencies in organic waste recycling capacity infrastructure or edible food recovery capacity, if the county is under a corrective action plan under Section 18996.2 of Title 14 of the California Code of Regulations due to those deficiencies.

(e) Administrative Fines.

(1) If a violation has not been corrected by the end of the compliance period in a notice of violation, the director may impose an administrative fine on the responsible person.

(2) Fine Amounts. The amount of the fine will be $100.00 for a first violation, $200.00 for a second violation of the same requirement within one year of the first violation, and $500.00 for a third or subsequent violation of the same requirement within one year of the first violation.

(3) Continuing Violations. Acts, omissions, or conditions in violation of any section of this chapter that continue, exist or occur on more than one day constitute separate violations and offenses on each day. Violations continuing, existing, or occurring on the service date, the compliance date, and each day between the service date and the compliance date are separate violations.

(4) An administrative fine will be imposed by means of a notice of fine. The responsible person will be served with the notice of fine as specified in Subsection 418-20.222(j). The notice of fine will include all of the following information:

(A) The date of the violation;

(B) The address or other description of the location where the violation occurred;

(C) The code section(s) violated and a description of the violation;

(D) The amount of the fine; and

(E) An advisement of the right to request a hearing to contest the imposition of the fine.

(f) Appeals.

(1) Any person upon whom an administrative fine is imposed by the director may request a hearing pursuant to the procedures set forth in this subsection. The appellant must file a written appeal with the director within fifteen calendar days after the service date of the notice of fine. The written appeal must contain:

(A) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and

(B) A brief statement of the material facts that the appellant claims supports the contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.

(2) Notice of the hearing will be served on the appellant as specified in Subsection 420-20.220(j). The director will set the hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of hearing.

(3) An appeal of an administrative fine imposed for violations of this chapter will be heard by a hearing examiner appointed by the director.

(4) At the hearing, the appellant will be given the opportunity to testify, and present written and oral evidence.

(5) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.

(6) After considering the testimony and evidence submitted at the hearing, or after the appellant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in Subsection 420-20.222(j).

(g) Final Administrative Order. The imposition of the administrative fine becomes a final administrative order at one of the following times:

(1) On the date the notice of fine is served, if the responsible person fails to file a written appeal within the time specified; or

(2) On the date the written decision by the hearing examiner is served, if the responsible person files a written appeal within the time specified.

(h) Payment of the Fine. The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this article does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(i) Collection. If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

(1) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure Section 1033.5.

(2) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure Section 680.010 et seq.

(j) Service. All notices or decisions required to be served by this section will be served by any of the methods specified below:

(1) First Class Mail. First class mail will be addressed to the responsible person at the address for service of process for the responsible person or to the last address provided by the responsible party to the director. Service is deemed complete upon the deposit of the notice or decision, postage pre-paid, in the United States mail.

(2) Personal Service. Personal service is deemed complete on the date the notice or decision is personally served on the responsible person.

(k) Judicial Review. A final administrative order may be appealed to the superior court of the county in accordance with the provisions set forth in Government Code Section 53069.4.

(Ord. No. 2021-38 § IV, 12-14-21)

418-20.224 Fees and costs.

(a) The director is authorized to collect fees approved by the Board of Supervisors by resolution and to use revenues from the fees to fund regulatory costs incurred in the enforcement of this chapter, in accordance with applicable laws.

(b) A person subject to a fee approved under this section shall promptly pay the fee when due.

(Ord. No. 2021-38 § IV, 12-14-21)

Division 420 SEWAGE

Chapter 420-2 GENERAL REGULATIONS

420-2.002 Definitions.

For the purposes of this chapter, the following definitions apply:

(1) "Person" has the meaning in Section 16-4.002, but also includes public or governmental entities and agencies and their officers, employees and agents.

(2) "Sewage" means liquid or solid waste substance, together with any groundwater, surface water, or stormwaters that may be present, which is associated with human or animal habitation or activity, or which contains or may be contaminated with human or animal excrement or offal, and includes wastewater, wastewater effluent, sewage sludge, and/or supernatant liquid.

(Ords. 84-42 § 5, 68-16 § 1: prior code § 4600: Ord. 829).

420-2.004 Permit—Required when.

No person shall collect, discharge or deposit, or cause or suffer to be collected, discharged or deposited, any sewage, sewage effluent or garbage from more than one building in or upon unincorporated territory of this county or into streams or bodies of water where the same is or may be carried through or upon unincorporated territory of this county, or make use of county roads or highways therefor, without first securing in the manner hereinafter provided a permit from the board of supervisors so to do, and at all times having an unrevoked permit therefor. No person shall collect, discharge or deposit any such sewage which creates a public nuisance in the unincorporated portions of this county.

(Prior code § 4601: Ord. 1424).

420-2.006 Permit—Application procedure.

(a) Application. Every person seeking a permit to do any of the acts described in Section 420-2.004 shall file with the board a written application therefor.

(b) Content. The application shall contain a complete and detailed plan, description and history of the existing or proposed lines, works, system, procedures, or purification plant through which such waste matter is proposed to be collected and discharged.

(c) Investigation. The board may direct the county health officer and/or the public works director to investigate the existing or proposed system or plant, and report to the board.

(d) Findings, Permit. If the board determines as a fact that the waste matter being or to be so collected, discharged or deposited does not or will not constitute a public nuisance, and does not or will not emit disagreeable odors or fumes offensive to the public in the vicinity of such place of collection or deposit or passing over and along public highways adjacent thereto, it may grant a permit authorizing the petitioner to collect, deposit or discharge or to continue to collect, deposit or discharge such substance.

(e) Revocation, Suspension. All permits are revocable by the board at any time, and also may be suspended by the board if it finds as a fact that the substance collected, discharged or deposited by virtue thereof constitutes a public nuisance or emits disagreeable odors or smells offensive to the public in the vicinity thereof or passing over and along public highways adjacent thereto or any permit term, limitation or condition has been violated.

(Ord. 82-42 § 6: prior code § 4602: Ord. 1424).

420-2.008 Official inspections.

Every person engaged in, or applying for a permit to engage in, any activity regulated by this division shall allow the health officer and/or public works director and/or any of their therefor-designated subordinates to enter and inspect the place, facilities and activities, for compliance with this division, during reasonable hours upon demand identifying the official and ~~his~~ the official's purpose hereunder.

(Ord. 74-67 § 2: prior code § 4603: Ords. 1424 § 5, 829 § 3, 827 § 3).

420-2.010 Exception.

This chapter does not apply to a septic tank-chemical toilet cleaner as defined in Section 413-3.415, having a valid, unrevoked, unsuspended public health license issued therefor pursuant to the provisions of Article 413-3.8.

(Ord. 82-42 § 7).

Chapter 420-4 LINES AND PLANTS

420-4.002 Persons subject—Actions required.

All persons, firms, corporations and political subdivisions organized under the laws of this state and empowered to install sewer lines or to construct or erect sewage processing plants, prior to doing any work of sewer line installation or erection of sewage processing plants in the unincorporated area of this county, shall file with the director of public works plans and specifications of the proposed work.

(Prior code § 4621: Ord. 1424).

420-4.004 Approval by director of public works.

Within fifteen days after plans and specifications are filed with the director of public works~~him~~, the director of public works may approve the plans and specify the amount of cash deposit required ~~by him~~ to cover the estimated cost of inspecting the work during its progress to insure compliance with the submitted plans and specifications. If additional time is required by the director of public works to review the plans and specifications in

order to determine that the proposed work meets accepted sanitary engineering standards, the director of public worksheshall notify the applicant of the amount of additional time required.

(Prior code § 4622: Ord. 769).

420-4.006 Work commencement—Fee deposit.

On approval of plans and specifications and deposit of the required fee, work may begin. The applicant shall carry forward the work without unreasonable delays and shall keep the director of public works advised of times when work is to be performed so that inspection may be scheduled.

(Prior code § 4623: Ord. 769).

420-4.008 Work suspension—Additional fees.

If inspection fees deposited are expended before the work is completed, the director of public works may order the work suspended until sufficient additional fees are deposited with himthe public works director to cover the cost of inspection.

(Prior code § 4624: Ord. 769).

420-4.010 Appeals.

Any applicant whose plans and specifications are disapproved, who complains of delay in the review of submitted plans and specifications, who asserts that inspection fees are excessive, or who contends that inspection by the director of public works is unreasonable, may appeal in writing to the board of supervisors. The appeal shall set forth in reasonable detail the ruling or action complained of.

At its first regular meeting which follows by more than five days the filing of the appeal, the board of supervisors shall hear and decide the appeal. The board may continue the hearing from time to time, but no one extension shall be longer than two weeks. The decision of the board shall be final.

(Prior code § 4625: Ord. 769).

Chapter 420-6 SEWAGE COLLECTION AND DISPOSAL[11]

Article 420-6.2. General Provisions

[11]Editor's note(s)—Ord. No. 2018-25, § III, adopted September 11, 2018, amended chapter 420-6 in its entirety to read as herein set out. Former chapter 420-6, §§ 420-6.101—420-6.123, 420-6.301—420-6.311, 420-6.501—420-6.513, 420-6.701—420-6.707, pertained to subdivisions and individual systems. See Code Comparative Table and Disposition List for complete derivation.

420-6.202 Purpose.

The purpose of this chapter is to provide maximum protection to water quality and public health by establishing requirements for connection to sanitary sewers and minimum standards for the design, construction, operation and abandonment of sewage collection and disposal systems.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.204 Definitions.

Unless otherwise specially provided, or required by the context, the following terms have these meanings in this chapter.

(a) "Abandon" means to remove liquid waste from and either excavate or otherwise render inoperable a cesspool, privy, sewage holding tank, or tank utilized in an onsite wastewater treatment system.

(b) "Alternative onsite wastewater treatment system" means an onsite wastewater treatment system in which septic tank effluent undergoes supplemental treatment prior to discharge to a disposal field.

(c) "Approved sewage disposal system" means a system of sewage disposal constructed in conformance with any and all applicable design, construction, permitting and other legal requirements in force at the time of construction.

(d) "Construct" means to assemble, build, fabricate or install.

(e) "Designated disposal field area" means an area of land that is approved by the health officer based on a site evaluation for future use as a disposal field or in an onsite wastewater treatment system, but is not a reserve area.

(f) "Domestic water supply reservoir" means an existing or proposed open uncovered reservoir used or intended to impound water for human consumption or domestic purposes. "Domestic water supply reservoir" includes a planned reservoir where the water impounder states in writing to the board its intent to install or construct the reservoir, and satisfies the board that it has appropriate rights in the land and the ability to finish and maintain the reservoir.

(g) "Drainage area" of a domestic water supply reservoir means all the land that can drain into the reservoir, whether or not the topographical configuration is artificially or naturally caused.

(h) "Health officer" means the county health officer and ~~his or her~~the county health officer's duly authorized deputies and subordinates.

(i) "Improperly functioning," as applied to a sewage collection or disposal system, means allowing sewage to escape to the surface of the ground, allowing sewage to return to the structure served by the system, allowing leaks, or preventing fixtures from draining.

(j) "Onsite wastewater treatment system" means a sewage treatment and disposal system that includes a septic tank and disposal field, serves one or more structures on only one lot, and is projected to receive a sewage flow of ten thousand gallons or less per day.

(k) "Pit privy" means a structure with no water supply that consists of shelter built over a pit with an unlined bottom and is used for the disposal of human waste.

(l) "Plumbing fixture" means a receptacle, device, appliance or other fixture that discharges wastewater to a drainage system.

(m) "Primary components" of an onsite wastewater treatment system means the septic tank, area(s) of land used for one or more disposal fields, pump tank and supplemental treatment unit, if any.

(n) "Reserve area" means an area of land that is approved by the health officer for future use as a replacement disposal field in an onsite wastewater treatment system.

(o) "Sanitary sewer" means a wastewater collection system, owned and operated by a public agency with legal authority to collect wastewater from structures within the territorial jurisdiction of the public agency, that collects wastewater and conveys it through a system of sewer pipes to a treatment works prior to disposal.

(p) "Septic tank-chemical toilet cleaner" means (1) a person engaged in the business of cleaning, or who cleans, septic tanks, sewage holding tanks, onsite wastewater treatment systems, privies, cesspools or seepage pits, or (2) a person engaged in the business of providing or cleaning, or who provides or cleans, chemical toilets.

(q) "Sewage" means liquid waste that contains or may be contaminated with human or animal excrement or offal.

(r) "Sewage disposal system" means any system of sewage disposal, including but not limited to an onsite wastewater treatment system, that is designed to serve one or more structures.

(s) "Sewage regulations" means sewage collection and disposal regulations adopted by the board under Section 420-6.606.

(t) "Vault privy" means a structure with no water supply that consists of a shelter built over a subsurface vault and is used for the collection of human waste.

(u) "Wastewater" means liquid waste, including but not limited to sewage.

(Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.4. Sewer Connection

420-6.402 Sewer availability.

A sanitary sewer is considered available for connection to a structure requiring sewage disposal if:

(a) The entity operating the sanitary sewer indicates in writing that the proposed structure can be connected to the sanitary sewer;

(b) The sanitary sewer is in a thoroughfare or right-of-way abutting the lot or premises where the structure is located or proposed to be located; and

(c) The sanitary sewer or any building or exterior drainage facility connected thereto is located within two hundred feet of the structure.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.404 Sewer connection required; exceptions.

Every structure in which plumbing fixtures have been or are proposed to be installed, and all plumbing fixtures and sanitary drainage systems or parts thereof, must be connected to either a sanitary sewer or an alternative means of sewage collection or disposal in accordance with Subsections (a) or (b) of this section.

(a) Approved sewage disposal system.

(1) A structure may be connected to an approved sewage disposal system if the health officer determines that a sanitary sewer is not available for connection under Section 420-6.402.

(2) A structure connected to an approved sewage disposal system prior to the effective date of this section may remain connected to that system.

(3) An addition to or remodeled portion of a structure may be connected to an approved sewage disposal system in accordance with applicable standards set forth in the sewage regulations if the structure is served by and was connected to the system before a sanitary sewer became available for connection to the structure, except as otherwise provided in Section 420-6.602 or Chapter 78-2.

(b) Sewage holding tank system.

(1) General. A structure that contains plumbing fixtures may be connected to a sewage holding tank system for sewage collection if:

(A) The health officer determines that a sanitary sewer is not available for connection under Section 420-6.402;

(B) The sewage holding tank system will replace an approved sewage disposal system that is or has been serving the structure;

(C) The owner of the structure obtains a sewage holding tank permit under Section 420-6.1002; and

(D) One of the following applies:

(i) The sewage holding tank system will serve the structure only until replacement of the approved sewage disposal system with a new onsite wastewater treatment system; or

(ii) The approved sewage disposal system to be replaced is improperly functioning and the health officer has determined that there is no suitable area on the lot where the structure is located for an onsite wastewater treatment system.

(2) Public agencies. A structure that contains plumbing fixtures and is owned by a public agency may be connected to a sewage holding tank system for sewage collection if:

(A) The health officer determines that a sanitary sewer is not available for connection under Section 420-6.402;

(B) The structure cannot be connected to a new onsite wastewater treatment system in accordance with applicable laws and regulations;

(C) The sewage holding tank system is owned and operated by the public agency; and

(D) The public agency obtains a sewage holding tank permit under Section 420-6.1002.

(3) Temporary structures. A temporary structure that contains plumbing fixtures may be connected to a sewage holding tank system if the system was incorporated into the original design of the temporary structure. As used in this subsection, "temporary structure" means a structure that is placed at the site of a permitted construction project for use only during the project and then removed at the conclusion of the project.

(Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.6. Enforcement

420-6.602 Prohibitions.

A person may not do any of the following:

(a) Build a structure that will contain plumbing fixtures without first lawfully connecting the lot where the structure will be located to a sanitary sewer or having an approved sewage disposal system that is designed to and may lawfully serve the structure.

(b) Remodel any portion of, or construct an addition to, a structure containing plumbing fixtures without first lawfully connecting the structure to a sanitary sewer or an approved sewage disposal system that is designed to serve the structure.

(c) Construct, modify in any way, relocate any part of, or take any action to connect a structure to, a sewage disposal system that is not an onsite wastewater treatment system.

(d) Discharge or deposit sewage to the surface of the ground.

(e) Have, use or operate an improperly functioning sewage collection or disposal system.

(f) Use a sewage disposal system that is not an approved sewage disposal system.

(g) Construct or have a privy except as expressly authorized by law.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.604 Building permits; certificates of occupancy.

(a) Restriction on issuance of building permits.

(1) If a structure is, or is proposed to be, located outside the territorial boundaries of any public entity with legal authority to provide wastewater collection services, or in an area where connection to a sanitary sewer is otherwise not available to the structure, and plumbing fixtures have been or are proposed to be installed in the structure, a building permit will not be issued to build, remodel any portion of, or construct an addition to the structure unless the health officer has approved, in writing, a method of sewage collection or disposal for the structure.

(2) If a structure is, or is proposed to be, located in an area where connection to a sanitary sewer is available to the structure, plumbing fixtures have been or are proposed to be installed in the structure, and connection to a sanitary sewer is not proposed, a building permit will not be issued to build, remodel any portion of, or construct an addition to, the structure unless the health officer has approved, in writing, a method of sewage collection or disposal for the structure.

(3) A building permit will not be issued to build a structure located on a lot where an approved sewage disposal system, reserve area or designated disposal field area is located unless the health officer has approved, in writing, the proposed location of the structure.

(b) Restriction on issuance of certificates of occupancy.

(1) If a structure is located outside the territorial boundaries of any public entity with legal authority to provide wastewater collection services, or in an area where connection to a sanitary sewer is otherwise not available to the structure, and plumbing fixtures have been installed in the structure, a certificate of occupancy will not be issued to use or occupy the structure, or portion of the structure, unless the health officer has approved, in writing, a method of sewage collection or disposal for the structure.

(2) If a structure is located in an area where connection to a sanitary sewer is available to the structure, plumbing fixtures have been installed in the structure, and connection to a sanitary sewer is not

proposed, a certificate of occupancy will not be issued to use or occupy the structure, or portion of the structure, unless the health officer has approved, in writing, a method of sewage collection or disposal for the structure.

(c) Application to health officer.

(1) A building permit applicant who proposes to build, remodel, or construct an addition to a structure described in Subsection (a)(1) of this section must submit a written application to the health officer for review and approval of a proposed method of sewage collection or disposal for the structure.

(2) A building permit applicant who proposes to build, remodel, or construct an addition to a structure described in Subsection (a)(2) of this section must submit a written application to the health officer for review and approval of the proposed method of sewage collection or disposal for the structure if the applicant does not propose to connect the structure to a sanitary sewer.

(3) A building permit applicant who proposes to build a structure in a location described in Subsection (a)(3) of this section must submit an application to the health officer for review and approval of the proposed location of the structure.

(4) An applicant for a certificate of occupancy of a structure described in Subsection (b)(1) of this section must submit a written application to the health officer for review of the proposed method of sewage collection or disposal for the structure.

(5) An applicant for a certificate of occupancy of a structure described in Subsection (b)(2) of this section must submit a written application to the health officer for review of the proposed sewage collection or disposal method for the structure if the applicant does not propose to connect the structure to a sanitary sewer.

(d) Determination.

(1) If the health officer finds, based on ~~his or her~~ the health officer's review of an application submitted under Subsection (c)(1) or (c)(2) of this section, that a proposed method of sewage collection or disposal conforms to the applicable requirements in this chapter and the sewage regulations, the health officer will approve the proposed method of sewage collection or disposal. The health officer will not approve the proposed method of sewage collection or disposal, and the building inspection director will not issue the building permit, if the health officer finds that the proposed method of sewage collection or disposal does not conform to a provision of this chapter or the sewage regulations.

(2) If the health officer finds, based on the health officer's~~his or her~~ review of an application submitted under Subsection (c)(3) of this section, that construction of a proposed structure will not interfere with the use of a necessary approved sewage disposal system, reserve area or designated disposal field area, the health officer will approve the proposed location of the structure. The health officer will not approve the proposed location of the structure, and the building inspection director will not issue the building permit, if the health officer determines that construction of the structure would interfere with the use of a necessary approved sewage disposal system, reserve area or designated disposal field area.

(3) If the health officer finds, based on ~~his or her~~ the health officer's review of an application submitted under Subsection (c)(4) or (c)(5) of this section, that a proposed method of sewage collection or disposal conforms to the applicable requirements in this chapter and the sewage regulations, the health officer will approve the proposed method of sewage collection or disposal. The health officer will not approve the proposed method of sewage collection or disposal, and the building inspection director will not issue the certificate of occupancy, if the health officer finds that the proposed method

of sewage collection or disposal does not conform to a provision of this chapter or the sewage regulations.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.606 Regulations.

The health officer may propose regulations to make more detailed or specific the provisions of this chapter. The regulations are not effective unless adopted by the board by resolution. The health officer is responsible for the enforcement of this chapter and all adopted regulations.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.608 Investigations.

To the extent allowed by law, whenever necessary to enforce any provision of this chapter, the health officer may inspect any property to determine compliance with applicable provisions and requirements of this chapter or enter for the purpose of abatement as provided in Chapter 14-6 of this code. Entry may be made at any reasonable time upon advance notice to the owner or occupant of the property. If entry is refused, the health officer is authorized to proceed pursuant to Code of Civil Procedure Section 1822.50 and following, and pursue any and all other remedies provided by law, to secure entry.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.610 Nuisance abatement.

(a) Abatement. Any installation made or condition existing in violation of this chapter is declared to be a public nuisance, and in addition to any other remedy available under the law, may be abated pursuant to Article 14-6.4.

(b) Emergency Abatement. If the health officer finds that a violation has created an emergency condition endangering the public health, the health officer may summarily abate the condition in accordance with Article 14-6.4.

(Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.8. Sewage Disposal Systems

420-6.802 Site.

An onsite wastewater treatment system may be constructed only on a site that conforms to applicable setbacks and groundwater depth, ground slope, soil depth and percolation rate standards specified in the sewage regulations.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.804 Design.

(a) Sewage flow. An onsite wastewater treatment system must be sized to accommodate the maximum volume of sewage that the system is projected to receive in a twenty-four-hour period.

(b) Components. The septic tank, transport lines, pump tank, disposal field and any supplemental treatment unit in an onsite wastewater treatment system constructed under Subsection 420-6.404(a)(1), and the reserve area for the system, must conform to all applicable design standards set forth in the sewage regulations.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.806 Construction permits.

(a) The construction, alteration, relocation or replacement of an onsite wastewater treatment system, or any primary components thereof, may be lawfully performed only under a valid construction permit issued by the health officer. "Alteration," as used in this section, means a change that causes an onsite wastewater treatment system, or primary component thereof, to function in a manner that is inconsistent with the design approved by the health officer, including but not limited to a change in design daily sewage flow and the installation of supplemental treatment units.

(b) The construction, alteration, relocation or replacement of an onsite wastewater treatment system, or any primary components thereof, may be lawfully performed only if the health officer has determined that a sanitary sewer is not available for connection to the structure to be served by the system.

(c) All work on an onsite wastewater treatment system under a construction permit issued under Section 420-6.808 must be inspected and approved by the health officer prior to use of the onsite wastewater treatment system.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.808 Permit procedure.

(a) Application; issuance. An application for a construction permit required under Section 420-6.806 or 420-6.1004 must be submitted to the health officer. The health officer will accept an application for a construction permit only if the application is complete and accompanied by payment of a permit fee established by the board by resolution. The health officer will approve a permit application and issue a permit based solely on compliance with this chapter and the sewage regulations.

(b) Expiration. Every construction permit issued by the health officer under this chapter becomes void if the work authorized by the construction permit is not commenced within one hundred eighty days from the permit's date, or if the work is suspended or abandoned for one hundred eighty days without excuse satisfying the health officer as being beyond control of and remedy by the permittee. Work under a construction permit will be deemed to have commenced if at least one health officer inspection of construction has been completed within one hundred eighty days of the permit issuance date. Once a construction permit becomes void, a new construction permit must be obtained before any work is commenced or recommenced, and a new permit fee must be paid.

(c) Renewal. Any permittee holding an unexpired construction permit may apply to the health officer for a permit extension upon a showing of good and satisfactory reason acceptable to the health officer. If the permittee is unable to commence work within the time required by this section, the health officer may extend the time of the permit for a period not exceeding 180 days upon written request by the permittee. No permit may be renewed more than once.

(d) Permit not approval of violations. The issuance of a construction permit under this chapter will not be construed as a permit for an approval of any violation of this chapter or code or determination that the permittee is the owner of the subject property or otherwise authorized to do the work for which the permit has been issued. No construction permit presuming to give authority to violate or cancel the provisions of this chapter will be valid except insofar as the work that it authorizes is lawful. The issuance of a construction

permit based on plans and specifications does not prevent the health officer from later requiring the correction of errors in the plans and specifications or from preventing work under the permit in violation of this chapter.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.810 Alternative onsite wastewater treatment systems.

(a) Mandatory use. Septic tank effluent must undergo supplemental treatment in an onsite wastewater treatment system if:

(1) The system utilizes a drip dispersal system;

(2) The system is located in an area where the depth from the natural grade to the anticipated highest seasonal level of groundwater is less than 3 feet;

(3) The system will receive high strength wastewater; or

(4) The system will replace another onsite wastewater treatment system and cannot meet the required horizontal setback from a public water well or a public water system's surface water intake point, unless the health officer makes both of the following two findings:

(A) There is no indication that the system to be replaced is adversely affecting the public water source; and

(B) There is limited potential that the replacement system could impact the public water source.

(b) Monitoring.

(1) The owner of an alternative onsite wastewater treatment system shall monitor the operation of the system for as long as the system remains in use, in accordance with the sewage regulations.

(2) A person may not use or operate an alternative onsite wastewater treatment system if the owner of that system fails to monitor that system in accordance with the sewage regulations.

(c) Mitigation measures.

(1) The owner of a replacement alternative onsite wastewater treatment system that does not conform to applicable horizontal setbacks from a public water well or a public water system's surface water intake point must comply with applicable mitigation measures set forth in the sewage regulations unless the health officer makes the findings set forth in Subsections (a)(4)(A) and (a)(4)(B) of this section.

(2) A person may not use or operate a replacement onsite wastewater treatment system described in Subsection (c)(1) of this section if the owner fails to comply with any applicable mitigation measure.

(Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.10. Sewage Collection Systems

420-6.1002 Sewage holding tank systems.

(a) Site; design. The site and design of a sewage holding tank system under Subsection 420-6.404(b)(1) or Subsection 420-6.404(b)(2) must conform to applicable horizontal setbacks and other standards set forth in the sewage regulations.

(b) Permits. The installation of a sewage holding tank system may be lawfully performed only under a valid sewage holding tank permit issued by the health officer. The permit procedures set forth in Section 420-6.808 apply to sewage holding tank permits.

(c) Health officer approval. All work under a sewage holding tank permit must be approved by the health officer prior to use of the sewage holding tank system.

(d) Termination of use.

(1) Use of a sewage holding tank system connected to a structure under Subsection 420-6.404(b)(1)(D)(i) must terminate upon completion of construction of a new onsite wastewater treatment system that will serve the structure or within ninety calendar days after commencement of use of the sewage holding tank system, whichever occurs first.

(2) Use of a sewage holding tank system connected to a structure under Subsection 420-6.404(b)(1)(D)(ii) or Subsection 6.404(b)(2) must terminate within ninety calendar days after the health officer determines that connection to a sanitary sewer is available to the structure.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.1004 Vault privies.

(a) A privy vault must be prefabricated and certified by the manufacturer as watertight.

(b) A vault privy may be constructed only on a site that conforms to the horizontal setbacks applicable to septic tanks.

(c) A vault privy may be lawfully constructed only under a valid construction permit issued by the health officer in accordance with the procedures set forth in Section 420-6.808.

(d) All work under a construction permit issued under this section must be inspected and approved by the health officer prior to use of the vault privy.

(Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.12. Abandonment

420-6.1202 Sewage disposal systems.

(a) Onsite wastewater treatment systems and cesspools must be promptly abandoned under a permit issued by the health officer if:

(1) The system or cesspool is replaced with a connection to a sanitary sewer, a new onsite wastewater treatment system or a sewage collection system.

(2) The system or cesspool was constructed in violation of any applicable laws or regulations; or

(3) Use of the system or cesspool has ceased.

(b) Pit privies must be promptly abandoned under a permit issued by the health officer if:

(1) The pit is filled with human waste to a point that is twenty-four inches or less below the surface of the ground adjacent to the pit; or

(2) The pit privy was constructed in violation of any applicable laws or regulations.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.1204 Sewage collection systems.

(a) A sewage holding tank system must be promptly abandoned under a permit issued by the health officer if:

(1) The system is replaced with a connection to a sanitary sewer, an onsite wastewater treatment system or another sewage holding tank system;

(2) The system was constructed in violation of any applicable laws or regulations; or

(3) Use of the system has ceased.

(b) Vault privies. A vault privy must be promptly abandoned under a permit issued by the health officer if the vault privy was constructed in violation of any applicable laws or regulations.

(Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.14. Septic Tank-Chemical Toilet Cleaners

420-6.1402 Registration.

All septic tank-chemical toilet cleaners as defined in Subsection 420-6.204(p) are subject to the application and examination requirements set forth in Health and Safety Code sections 117415 and 117420.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.1404 Operations.

(a) Pumping and cleaning. A septic tank-chemical toilet cleaner must use all reasonable means to prevent the spillage of sewage. Any spilled sewage must immediately be removed and properly disposed of, and the area disinfected.

(b) Disposal. Sewage collected by a septic tank-chemical toilet cleaner must be disposed of only at a public facility that provides wastewater collection and treatment services.

(c) Reporting. No later than the tenth day of each month, a septic tank-chemical toilet cleaner shall submit a written report to the health officer in a form approved by the health officer that describes all pumping and cleaning operations conducted in the unincorporated area of the county in the previous month.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.1406 Vehicles; other equipment.

(a) Each vehicle utilized by a septic tank-chemical toilet cleaner in the course of collecting or transporting sewage must display a permit decal required under Section 413-3.806 and identification markings specified in the sewage regulations.

(b) All sewage collection tanks, pumps, pipes and hoses on vehicles used to collect or transport sewage must conform to all applicable design and construction standards set forth in the sewage regulations.

(c) All equipment utilized by a septic tank-chemical toilet cleaner in the course of collecting or transporting sewage must be made of durable and easily cleanable materials.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.1408 Chemical toilets.

Chemical toilets must be designed, constructed, marked and operated in accordance with applicable standards set forth in the sewage regulations. ;hn0; (Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.16. Subdivision Maps

420-6.1602 Tentative maps.

(a) General. The tentative map forwarded to the health officer for review under Section 94-2.604 must show proposed provisions for sewage disposal, source of approved water supply, number of lots, the size of each lot, and contour lines at intervals of five feet or less.

(b) Health officer approval. The health officer will review the proposed tentative map for compliance with this chapter and the sewage regulations and in a timely manner report ~~his or her~~ the health officer's conclusions thereon, together with any conditions recommended to insure such compliance, to the planning department.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.1604 Final maps; parcel maps.

A final map or parcel map of a subdivision shall not be recorded unless the conditions recommended by the health officer and established by the advisory agency on approval of the tentative map of the subdivision have been satisfied.

(Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.18. Appeals

420-6.1802 Appeals to health officer.

An applicant objecting to or disagreeing with a permit denial under this chapter or the sewage regulations may appeal the denial to the health officer. Any request for an appeal hearing must be in writing and must be received by the health officer within ten days after notice of the decision was mailed. Any request for an appeal hearing must state the legal and factual basis for the appeal and be accompanied by payment of a fee established by the board by resolution. A hearing on the appeal will be held within fifteen days after the request for appeal is received by the health officer. The health officer will issue a written decision supported by written findings. The decision will be based on the applicant's compliance or noncompliance with this chapter or the sewage regulations. The health officer may not delegate the duty to hear appeals under this chapter to any subordinate.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.1804 Other appeals.

Whenever the provisions of this chapter have been incorporated by a city ordinance or code and are applicable as city regulations within the incorporated area of that city, any appeal of a decision of the health officer

must be directed to and decided by the city council of the involved city or to such other hearing body that may be designated by the city council to hear such appeals.

(Ord. No. 2018-25 § III, 9-11-18)

Article 420-6.20. Fees

420-6.2002 Permit fees.

The health officer will collect a fee from the applicant for issuance of any permit under this chapter. Permit fees will be established by the board by resolution.

(Ord. No. 2018-25 § III, 9-11-18)

420-6.2004 Other fees.

(a) The health officer will collect a fee from the applicant for all services provided by the health officer in response to a request by the applicant, including plan reviews, investigations, inspections and the observation of site evaluations and tests.

(b) The health officer will collect a fee from the owner of an alternative onsite wastewater treatment system for audits of monitoring reports submitted under Section 420-6.810.

(c) All fees authorized by this section will be established by the board by resolution.

(Ord. No. 2018-25 § III, 9-11-18)

Division 430 ABANDONED VEHICLES

Chapter 430-2 GENERAL PROVISIONS

430-2.002 Title.

This division shall be known as the "Abandoned Vehicle Ordinance of Contra Costa County."

(Ord. 77-112)

430-2.004 Authority, findings, nuisance, regulation.

(a) Authority. This division is enacted pursuant to California Vehicle Code Sections 22660, 22661, 22662, 22663 and 22671, and Government Code Section 25845.

(b) Findings. The board finds and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private and public property, including streets, highways and private roads, creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the public health, safety and general welfare.

(c) Nuisance. The presence of an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof, on private or public property, including streets, highways and private roads, except as expressly hereinafter permitted, constitutes a public nuisance which may be abated as such in accordance with the provisions of this division and code.

(d) This division is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the unincorporated area of the county. It supplements and is in addition to the other regulatory codes, statutes and ordinances enacted by the county, the state, or any other legal entity or agency having jurisdiction.

(Ords. 2002-49 § 2, 86-58 § 2, 84-64 § 1, 77-112).

430-2.006 Exemptions.

This division shall not apply to:

(1) A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(2) A vehicle, or parts thereof, which is stored or parked in a lawful manner or private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junkyard, or when such storage or parking is otherwise necessary to the operation of a lawfully conducted business or commercial enterprise.

(Ord. 77-112).

430-2.008 No nuisances.

The exceptions provided in Section 430-2.006 do not authorize the creation or maintenance of a public or private nuisance as defined by laws other than this Division 430 and Chapter 10 of Division 11 (commencing with Section 22650) of the Vehicle Code.

(Ord. 77-112).

430-2.010 Nonexclusive regulation.

This division is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the unincorporated area of the county. It supplements and is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the county, the state, or any other legal entity or agency having jurisdiction.

(Ord. 77-112).

Chapter 430-4 DEFINITIONS

430-4.002 Generally.

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this chapter for the purposes of this division.

(Ord. 77-112).

430-4.004 Vehicle Code terms.

Terms, such as "California Highway Patrol (C.H.P.)," "highway," "legal owner," "owner," "registered owner," and "vehicle," which are specially defined in the Vehicle Code (including future amendments thereto), have the same meanings herein.

(Ord. 77-112).

430-4.006 Abandoned vehicle.

"Abandoned vehicle" means any vehicle or part constituting a nuisance under Section 430-2.004(c) and Vehicle Code Section 22660.

(Ord. 77-112).

430-4.010 Owner of land.

"Owner of land" and "landowner" means the owner of the land on which an abandoned vehicle is located, as shown on the last equalized assessment roll.

(Ord. 77-112).

430-4.012 Owner of the vehicle.

"Owner of the vehicle" and "vehicle owner" include the last owner, registered owner, and legal owner of record.

(Ord.77-112).

430-4.014 Enforcement officer.

"Enforcement officer" means the sheriff and the director of the department of conservation and development as the officials responsible for administering and enforcing the provisions of this division.

(Ord. No. 2008-36, § II, 12-16-08; Ord. 95-2 § 2).

Chapter 430-6 ADMINISTRATION AND ENFORCEMENT

430-6.002 Enforcement authority.

The sheriff and the director of the department of conservation and development are designated the enforcement officers for this division. The sheriff and the director of the department of conservation and development, and their regularly salaried full-time employees, are responsible for enforcing and administering this division pursuant to Vehicle Code Section 22663. To the extent allowed by law, these employees and other persons duly authorized by the sheriff or the director of the department of conservation and development may enter upon private or public property to examine a vehicle or vehicle parts, obtain information as to the identity of a vehicle, and to remove or cause the removal of an abandoned vehicle.

(Ord. No. 2008-36, § III, 12-16-08; Ords. 95-2 § 3, 86-58 § 3, 77-112).

430-6.004 Abatement.

The enforcement officer may have abandoned vehicles abated and/or removed in accordance with the procedure prescribed in this division.

(Ords. 95-2 § 3, 86-58 § 3, 77-112).

430-6.006 Notice of intention.

(a) Notice. The enforcement officer shall mail a ten-day notice of intention to abate and remove an abandoned vehicle as a public nuisance, by registered or certified mail, to the owner of the land, anyone known to be in possession of the land and the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership, or unless the property owner and the vehicle owner have signed releases authorizing removal and waiving further interest in the vehicle or parts thereof.

(b) Contents. The notice shall contain an estimate of the cost of abatement (including administrative and removal costs) and a statement that this cost may be levied as a special assessment on the landowner's land (parcel). It shall contain a statement of the possessor, property and vehicle owner's heading rights and notice to the property owner that ~~he or she~~the property owner may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the property owner's~~his or her~~ land, with reasons for such denial, in lieu of appearing.

(Ords. 95-2 § 3, 86-58 § 3, 77-112).

430-6.008 Inoperable nontowable vehicles.

(a) This chapter's notice of intention is not required for removal of a vehicle or part thereof which is inoperable due to the absence of a motor, transmission or wheels and incapable of being towed, and is valued at less than two hundred dollars by a person specified in Vehicle Code Section 22855; provided, that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Vehicle Code Section 22662 of such a low valued vehicle or part for which evidence of registration was recovered, the enforcement officer shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve days after the notice is mailed from a location specified in Vehicle Code Section 22662, final disposition may proceed. The county, the enforcement officer or any contractor thereof shall not be liable for damage caused to a vehicle or part thereof by removal pursuant to this section.

(b) This section applies only to inoperable vehicles located upon a parcel that is: (1) zoned for agricultural use; or (2) not improved with a residential structure containing one or more dwelling units.

(Ords. 95-2 § 3, 86-58 § 3, 84-64 § 2: Vehicle Code § 22661).

Chapter 430-8 HEARINGS AND APPEALS

430-8.002 Hearing requests.

(a) Request. Within ten days after the mailing date of the notice of intention to abate and remove, the vehicle owner, landowner or possessor of property may request the zoning administrator for a public hearing on the question of abatements and removal and the estimated cost thereof.

(b) Discharge. If, within this ten-day period, the landowner submits a sworn written statement denying responsibility for the presence of the vehicle on the landowner's~~his~~ land with the landowner's~~his~~ reasons for such denial, said statement shall be construed as a request for a hearing which does not require the landowner's~~his~~ presence.

(c) Notice. The zoning administrator shall immediately notify the enforcement officer of any such requests or disclaimer.

(Ords. 95-2 § 4, 86-58 § 3, 77-112).

430-8.004 No hearing.

If no disclaimer or request for hearing is received within the ten-day period, the enforcement officer or any person ~~he or she~~ authorized by the enforcement officer~~s~~ shall abate and remove the vehicle or parts thereof. Thereafter, the costs of abatement shall be collected pursuant to Chapter 430-12.

(Ords. 95-2 § 4, 86-58 § 3, 77-112).

430-8.006 Hearing notice.

When a hearing is requested, the zoning administrator shall mail notice of the hearing at least ten days before the hearing date, to the enforcement officer, the landowner, any known possessor of the parcel, and to the vehicle owner unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(Ords. 95-2 § 4, 86-58 § 3, 77-112).

430-8.008 Hearings.

All hearings under this division shall be held before the zoning administrator who shall receive all evidence ~~he or she~~the zoning administrator deems material, including the condition of the vehicle or parts thereof, the circumstances of its abandonment and location and the estimated cost of the abatement. The zoning administrator shall not be limited by the technical rules of evidence. The landowner may appear in person or present a sworn written statement, in time for consideration at the hearing, denying responsibility for the presence of the vehicle on the landowner's~~his or her~~ land with reasons for such denial.

(Ords. 95-2 § 4, 86-58 § 3, 77-112).

430-8.010 Decisions.

(a) The zoning administrator may impose such conditions and take such other action as ~~he or she~~ the zoning administrator deems appropriate under the circumstances to carry out the purpose of this division. ~~He or she~~The zoning administrator may delay the time for removal of the vehicle or parts thereof, if in the zoning administrator's ~~his or her~~ opinion, the circumstances justify it. At the conclusion of the public hearing, the zoning administrator may find that there is an abandoned vehicle and order it abated and/or removed as a public nuisance and disposed of as hereinafter provided and determine the cost of abatement to be charged against the landowner. The order requiring removal shall include a description of the abandoned vehicle and the correct identification number and license number of the vehicle if available.

(b) If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that ~~he or she~~the landowner has not subsequently acquiesced in its presence, the zoning

administrator shall not assess the cost of abatement (administration and removal) against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

(Ords. 95-2 § 4, 86-58 § 3, 77-112).

430-8.012 Notice of decision.

If an interested party makes a written presentation to the zoning administrator but does not appear, ~~he or she~~the interested party shall be notified in writing of the decision.

(Ords. 95-2 § 4, 86-58 § 3, 77-112).

430-8.014 Appeals.

(a) The enforcement officer, the landowner, any known possessor of the parcel or the vehicle owner may appeal the zoning administrator's decision by filing a written notice of appeal within ten calendar days after ~~his or her~~ the zoning administrator's decision. The zoning administrator shall promptly transmit the proceedings to the board of supervisors.

(b) The board's clerk shall promptly give written notice of the time and place of the hearing to the appellant and those persons specified in Section 430-6.006(a).

(c) The board shall promptly hear such appeal, and may affirm, amend or reverse the order, or take other action it deems appropriate. It shall not be limited by the technical rules of evidence.

(Ords. 95-2 § 4, 86-58 § 3, 77-112).

Chapter 430-10 FINAL ABATEMENT ACTION

430-10.002 Removal and disposal.

Abandoned vehicles may be disposed of by removal to a scrapyard or automobile dismantler's yard when:

(1) releases authorizing removal and waiving further interest in said vehicle have been signed by its owner(s); or

(2) there is no reply to the notice of intent to abate by the end of the ten-day waiting period; or

(3) the zoning administrator decides the vehicle is to be removed and no appeal is made; or

(4) after an appeal has been decided in favor of removal.

After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage or historical vehicle license plates.

(Ords. 86-58 § 3, 77-112).

430-10.004 Notify D.M.V.

Within five days after removal of an abandoned vehicle, the enforcement officer shall so notify the Department of Motor Vehicles, identifying the vehicle or parts, and send it any evidence of registration available, including registration certificates, certificates of title and license plates.

(Ords. 95-2 § 5, 86-58 § 3, 77-112: Veh. C. § 22661).

430-10.006 Cost record.

The enforcement officer shall prepare an itemized written account of ~~his or her~~ the enforcement officer's expenses incurred to abate the nuisance where it is proposed to collect costs pursuant to Chapter 430-12. Until such report is completed, no abatement costs (including administration) will be placed as a special assessment against the parcel of land.

(Ords. 95-2 § 6, 86-58 § 3, 77-112).

Chapter 430-12 COST COLLECTION

430-12.002 Collection.

(a) The total costs of abatement shall be included in a bill and sent by certified mail to the last known address of the landowner. Simultaneously, the bill may be sent by regular mail. If the bill sent by certified mail is returned unsigned, then service is deemed effective pursuant to regular mail. The bill shall inform the landowner that failure to pay the bill within forty-five calendar days from the date of mailing may result in a lien upon the property.

(b) If the bill is not paid within forty-five days from the date of mailing, the enforcement officer shall render an itemized report in writing to the clerk of the board of supervisors for submittal to the board of supervisors for hearing and confirmation. The report shall include, at a minimum, the names and addresses of the possessor of the property and all persons having any record interest in the property (including but not limited to, holders of mortgages or deeds of trust), the date upon which the abatement of the nuisance was ordered, the date the abatement was complete, a description of the real property subject to the lien, and the total abatement costs.

(c) At least ten days prior to the hearing, the clerk of the board of supervisors shall give notice, by certified mail, of the hearing to all persons named in the enforcement officer's report. The notice shall be prepared by the enforcement officer and shall describe the property by assessor's parcel number and street number or some other description sufficient to enable identification of the property and contain a statement of the amount of the proposed assessment.

(d) The amounts and the costs of abatement mentioned in the report as confirmed shall constitute a special assessment against such property and are a lien on the property for the amount of the respective assessment. In addition to its rights to impose the special assessment, the county shall retain the alternative right to recover its costs by way of civil action against the owner and person in possession or control jointly and severally.

(e) Costs shall not be collected from the landowner pursuant to this chapter if the finding specified in subsection (b) of Section 430-8.010 was previously made by the zoning administrator.

(Ords. 2007-36 § 2, 88-88 § 11, 86-58 § 3, 77-112).

430-12.004 Notice of assessment.

The enforcement officer shall record at the office of the county recorder and deliver to the auditor-controller, a certificate substantially in the following form:

"NOTICE OF ASSESSMENT AND
ABATEMENT LIEN"
(Abandoned Vehicle Abatement Cost)

Pursuant to Vehicle Code §22660, Government Code §25845, and Ordinance Code §430-12.002, Contra Costa County abated an abandoned vehicle nuisance on the parcel of real property described below, of which the named person(s) is the owner on the last equalized assessment roll and fixed the below-shown amount as the cost thereof and hereby, claims a special assessment against said parcel for this amount.

1. RECORD OWNER(S):
   LAST KNOWN ADDRESS:
2. POSSESSOR(S) (if different from owner):
   LAST KNOWN ADDRESS:
3. DATE ABATEMENT ORDERED:
4. DATE ABATEMENT COMPLETED:
5. PARCEL: Real property in Contra Costa County, California: County's Assessor's parcel #:

   [Other description where needed]:
6. AMOUNT OF ABATEMENT
   (ASSESSMENT)COST: $

   Dated:.....

   Contra Costa County
   By:.....
   Enforcement Officer"

(Ords. 95-2 § 7, 88-88 § 12, 86-58 § 3, 77-112).

430-12.006 Release and subordination.

An abatement lien created under this division may be released or subordinated by the county treasurer in the same manner as a judgment lien on real property may be released or subordinated.

(Ords. 86-58 § 3, 77-112: Govt. C. § 25845).

Division 445 SECONDHAND SMOKE AND TOBACCO PRODUCT CONTROL[12]

Chapter 445-2 GENERAL PROVISIONS

Sections:

[12]Editor's note(s)—The title of Division 445 was amended by Ord. 2006-66 § 3.

445-2.002 Title.

This division is known as the secondhand smoke and tobacco product control ordinance of Contra Costa County.

(Ords. 2006-66 § 4, 98-43 § 2, 91-44 § 2)

445-2.004 Purpose.

The purposes of this division are to protect the public health, safety and welfare against the health hazards and harmful effects of the use of addictive tobacco products; and further to maintain a balance between the desires of persons who smoke and the need of nonsmokers to breathe smoke-free air, while recognizing that where these conflict, the need to breathe smoke-free air shall have priority.

(Ords. 2006-66 § 4, 98-43 § 2, 91-44 § 2)

445-2.006 Definitions.

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

(a) "Characterizing flavor" means a distinguishable taste or aroma imparted by a tobacco product or any byproduct produced by the tobacco product that is perceivable by an ordinary consumer by either the sense of taste or smell, other than the taste or aroma of tobacco. A "characterizing flavor" includes, but is not limited to, a taste or aroma relating to a fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice.

(b) "Cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing more than three pounds per thousand.

(c) "Constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product.

(d) "Consumer" means a person who purchases a tobacco product for consumption and not for sale to another.

(e) "E-liquid " means any substance that is intended to be consumed in aerosolized or vaporized form using an electronic smoking device, regardless of the nicotine content of the substance.

(f) "Electronic smoking device" means any device or delivery system that can be used to deliver to a person, in aerosolized or vaporized form, nicotine, tetrahydrocannabinol, or any other cannabinoid, including but not limited to an electronic cigarette, electronic cigar, electronic pipe, electronic hookah, or vape pen. "Electronic smoking device" includes any component, part, or accessory of such a device, including but not limited to a cartridge, that is used during the operation of the device.

(g) "Enclosed" means all space between a floor and ceiling where the space is closed in on all sides by solid walls or windows that extend from the floor to the ceiling. An enclosed space may have openings for ingress and egress, such as doorways or passageways. An enclosed space includes all areas within that space, such as hallways and areas screened by partitions that do not extend to the ceiling or are not solid.

(h) "Flavored tobacco product" means any tobacco product, other than cigarettes as defined by federal law, that contains a constituent that imparts a characterizing flavor. A tobacco product whose labeling

or packaging contains text or an image indicating that the product imparts a characterizing flavor is presumed to be a flavored tobacco product.

(i) "Little cigar" means any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand. "Little cigar" includes, but is not limited to, any tobacco product known or labeled as "small cigar" or "little cigar."

(j) "Package" or "packaging" means a pack, box, carton, or container of any kind, or any wrapping, in which a tobacco product is sold or offered for sale to a consumer.

(k) "Menthol cigarettes" means cigarettes as defined by federal law, that have a characterizing flavor of menthol, mint, or wintergreen, including cigarettes advertised, labeled, or described by the manufacturer as possessing a menthol characterizing flavor.

(l) "Multi-unit residence" means a building that contains two or more dwelling units, including but not limited to apartments, condominiums, senior citizen housing, nursing homes, and single room occupancy hotels. A primary residence with an attached or detached accessory dwelling unit permitted pursuant to Chapter 82-24 is not a multi-unit residence for purposes of this division.

(m) "Multi-unit residence common area" means any indoor or outdoor area of a multi-unit residence accessible to and usable by residents of different dwelling units, including but not limited to halls, lobbies, laundry rooms, common cooking areas, stairwells, outdoor eating areas, play areas, swimming pools, and carports.

(n) "Place of employment" means any area under the control of an employer, business, or nonprofit entity that an employee, volunteer, or the public may have cause to enter in the normal course of operations, regardless of the hours of operation. Places of employment include, but are not limited to: indoor work areas; bars; restaurants; hotels and motels, including all guest rooms; vehicles used for business purposes; taxis; employee lounges and breakrooms; conference and banquet rooms; bingo and gaming facilities; long-term health care facilities; warehouses; retail or wholesale tobacco shops; and private residences used as licensed child-care or health-care facilities when employees, children, or patients are present and during business hours. The places specified in subdivisions (e)(l), (2), (6), and (7) of Labor Code Section 6404.5 are places of employment for the purposes of this division and are regulated as specified in this division. The places specified in subdivisions (e)(3), (4), and (5) of Labor Code Section 6404.5 are not places of employment for the purposes of this division.

(o) "Public place" means any area to which the public is invited or in which the public is permitted. A private residence is not a public place.

(p) "Self-service display" means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer. A vending machine is a form of self-service display.

(q) "Service area" means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction, whether or not the service involves the exchange of money. "Service areas" include but are not limited to automatic teller machine waiting areas, bank teller windows, ticket lines, bus stops and taxi stands.

(r) "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine or illegal substances, and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke" includes, but is not limited to, tobacco smoke, electronic smoking device vapors, marijuana smoke, and smoke from any illegal substance.

(s) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product intended for human inhalation.

(t) "Tobacco paraphernalia" means any item designed or marketed for the consumption, use, or preparation of tobacco products.

(u) "Tobacco product" means any of the following:

(1) Any product containing, made from, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff.

(2) Any electronic smoking device that contains nicotine or can be used to deliver nicotine in aerosolized or vaporized form.

(3) Any component, part, or accessory of a tobacco product, whether or not it is sold separately.

(4) "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for that approved purpose.

(v) "Tobacco retailer" means any individual or entity who sells, offers for sale, or exchanges or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia. "Tobacco retailing" means the doing of any of these things. This definition is without regard to the quantity of tobacco products or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

(Ord. No. 2019-34, § II, 11-19-19; Ord. No. 2018-07, § VII, 3-13-18; Ord. No. 2017-01, § II, 7-18-17; Ord. No. 2013-10, § II, 4-9-13; Ord. No. 2010-10, § II, 10-12-10; Ord. No. 2006-66 § 4; Ord. No. 98-43 § 2; Ord. No. 91-44 § 2)

Chapter 445-4 SECONDHAND SMOKE

Sections:

445-4.002 County facilities.

(a) Smoking is prohibited in all buildings, vehicles, and other enclosed areas occupied by county employees, owned or leased by the county, or otherwise operated by the county.

(b) Smoking is prohibited in all outdoor areas owned or leased by the county, including parking lots, the grounds of the county's hospital and health clinics, and the grounds of all other buildings owned or leased by the county.

(c) Smoking is prohibited on the grounds of the county's jails and county juvenile system facilities to the extent allowed by law.

(Ord. No. 2014-06, § II, 6-17-14; Ords. 2006-66 § 5, 91-44 § 2)

Editor's note(s)—Ord. No. 2014-06, § II, adopted June 17, 2014, amended the title of § 445-4.002 to read as set out herein. Previously § 445-4.002 was titled county-owned facilities.

445-4.004 Prohibition of smoking.

Smoking is prohibited in the following places within the unincorporated area of Contra Costa County:

(a) Enclosed places of employment.

(b) Enclosed public places.

(c) Service areas.

(d) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of enclosed places of employment, except while passing on the way to another destination.

(e) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of enclosed public places, except while passing on the way to another destination.

(f) The following outdoor areas:

(1) Outdoor dining areas at bars and restaurants.

(2) Outdoor lounges and outdoor dining areas at places of employment.

(3) Public trails and public parks.

(4) Public event venues.

(g) All multi-unit residence common areas, except that a landlord may designate a portion of an outdoor common area as a smoking area. A designated smoking area of an outdoor common area of a multi-unit residence must not overlap with any area where smoking is otherwise prohibited by local, state, or federal law; must be located at least twenty-five feet in all directions from non-smoking areas; must not include areas used primarily by children; must be no more than twenty-five percent of the total outdoor common area; must have a clearly marked perimeter; and must be identified by conspicuous signs.

(h) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of multi-unit residences, except while passing on the way to another destination.

(i) All outdoor balconies, porches, decks, patios, and carports of multi-unit residences.

(j) All dwelling units in any multi-unit residence, except as otherwise provided in Section 445-4.006.

(Ord. No. 2018-07, § II, 3-13-18; Ord. No. 2010-10, § III, 10-12-10; Ords. 2006-66 § 5, 91-44 § 2)

445-4.006 Exceptions.

(a) Smoking is permitted at any location within the county unless otherwise prohibited by this code or by state or federal law.

(b) If a dwelling unit in a multi-unit residence is subject to a lease or other rental agreement and smoking is authorized under the lease or rental agreement, smoking is permitted in the dwelling unit until the lease or rental agreement is modified to prohibit smoking in accordance with Section 445-4.014.

(c) If a dwelling unit in a multi-unit residence is owner-occupied, smoking is permitted in the owner-occupied dwelling unit until July 1, 2019.

(Ord. No. 2018-07, § III, 3-13-18; Ord. No. 2010-10, § IV, 10-12-10; Ords. 2006-66 § 5, 91-44 § 2)

445-4.008 Posting requirements.

"Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than one inch in height, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it), shall be conspicuously posted in every building or other place where

smoking is regulated by this division by the owner, operator, manager or other person having control of the building or other place. This section does not require the posting of "No Smoking" signs inside or on the doorway of any dwelling unit in a multi-unit residence.

(Ord. No. 2018-07, § IV, 3-13-18; Ords. 2006-66 § 5, 91-44 § 2)

445-4.010 Ashtray placement.

No ashtray or other receptacle used for disposing of smoking materials may be placed at any location where smoking is prohibited by this division or otherwise prohibited by law.

(Ord. No. 2009-26, § II, 10-20-09)

445-4.012 Disclosure of smoking complaint policy.

In a multi-unit residence where units are rented or leased to tenants, the owner and manager of the residence shall disclose whether a policy for handling smoking complaints is in effect at the multi-unit residence, and if so, shall provide a copy of that policy to each tenant along with every new lease or rental agreement for the occupancy of a unit in the multi-unit residence.

(Ord. No. 2018-07, § V, 3-13-18; Ord. No. 2009-26, § III, 10-20-09)

Editor's note(s)—Ord. No. 2018-07, § V, adopted March 13, 2018, amended § 445-4.012 to read as set out herein. Previously § 445-4.012 was titled "Disclosure of non-smoking residential units."

445-4.014 Required lease terms.

(a) Commencing July 1, 2018, every lease and other rental agreement for the occupancy of a dwelling unit in a multi-unit residence that is entered into, renewed, or continued month-to-month must include the terms specified in subsection (b) on the earliest possible date allowed by law after providing any required legal notice.

(b) Required Terms.

(1) A clause stating that smoking is prohibited in all dwelling units must be included in the written agreements specified in subsection (a).

(2) A clause stating that it is a material breach of the lease or rental agreement to:

(i) Violate any law regarding smoking while on the premises;

(ii) Smoke in any dwelling unit; or

(iii) Smoke in any multi-unit residence common area where smoking is prohibited, must be included in the written agreements specified in subsection (a).

(c) The California Apartment Association's Form 34.0, revised December 2016 and as amended from time to time, may be used to comply with this section.

(d) A landlord's failure to enforce any smoking regulation of a lease or rental agreement on one or more occasions does not constitute a waiver of the lease or rental agreement provisions required by this section and does not prevent future enforcement of the lease or rental agreement provisions required by this section.

(e) A landlord is not liable under this chapter to any person for a tenant's breach of smoking regulations if:

(1) The landlord has fully complied with all provisions of this chapter; and

(2) Upon receiving a signed, written complaint regarding prohibited smoking, the landlord provides a warning to the offending tenant, stating that the tenant may be evicted if another complaint is received. Upon receiving a second signed, written compliant against the offending tenant, the landlord may evict the tenant, but is not liable for the failure to do so.

(Ord. No. 2018-07, § VI, 3-13-18; Ord. No. 2010-10, § V, 10-12-10)

Chapter 445-6 TOBACCO SALES[13]

Sections:

445-6.002 Self-service displays.

(a) It is unlawful for any person or tobacco retailer to sell, permit to be sold, offer for sale, or display for sale any tobacco product or tobacco paraphernalia by means of self-service display, vending machine, rack, counter-top or shelf that allows self-service sales for any tobacco product or tobacco paraphernalia.

(b) All tobacco products and tobacco paraphernalia shall be offered for sale exclusively by means of vendor or employee assistance. Tobacco products and tobacco paraphernalia shall be kept in a locked case that requires employee assistance to retrieve the tobacco products or tobacco paraphernalia.

(Ords. 2006-66 § 6, 98-43 § 2).

445-6.004 Distribution of free samples and coupons.

It is unlawful for any person, agent, or employee of a person in the business of selling or distributing cigarettes or other tobacco or smoking products to distribute, or direct, authorize, or permit any agent or employee to distribute, any of the following to any person on any public street or sidewalk or in any public park or playground or on any other public ground or in any public building:

(a) Any tobacco product;

(b) Coupons, certificates, or other written material that may be redeemed for tobacco products without charge.

(Ords. 2006-66 § 6, 91-44 § 2)

445-6.006 Flavored tobacco products and menthol cigarettes.

No tobacco retailer may sell, offer for sale, or exchange or offer to exchange for any form of consideration, to a consumer any flavored tobacco product or menthol cigarette.

(Ord. No. 2019-34, § VI, 11-19-19; Ord. No. 2017-01, § IV, 7-18-17)

[13]Editor's note(s)—Ord. No. 2017-01, § III, adopted July 18, 2017, amended the title of Ch. 445-6 to read as set out herein. Previously Ch. 445-6 was titled "Tobacco Products."

445-6.008 Packaging and labeling.

No tobacco retailer may sell any tobacco product to any consumer unless that product is sold in the original manufacturer's packaging intended for sale to consumers and conforms to all applicable federal labeling requirements.

(Ord. No. 2017-01, § V, 7-18-17)

445-6.010 Minimum package size for little cigars and cigars.

No tobacco retailer may sell to a consumer any of the following:

(a) Any little cigar unless it is sold in a package of at least ten little cigars.

(b) Any cigar unless it is sold in a package of at least ten cigars. This subsection does not apply to a cigar that has a price of at least five dollars per cigar, including all applicable taxes and fees.

(Ord. No. 2017-01, § VI, 7-18-17)

445-6.012 Identification required.

No tobacco retailer may sell or transfer a tobacco product or tobacco paraphernalia to a person who reasonably appears to be under the age of twenty-seven years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase the tobacco product or tobacco paraphernalia.

(Ord. No. 2017-01, § VII, 7-18-17)

445-6.014 Electronic smoking devices and e-liquids.

No tobacco retailer may sell, offer for sale, or exchange or offer to exchange for any form of consideration, to a consumer any electronic smoking device or e-liquid where the electronic smoking device or e-liquid:

(a) Is a new tobacco product as defined in Section 387j(a)(l) of Title 21 of the U.S. Code;

(b) Requires premarket review under Section 387j of Title 21 of the U.S. Code; and

(c) Does not have a premarket review order issued under Section 387j(c)(l)(A)(i) of Title 21 of the U.S. Code.

(Ord. No. 2019-34, § III, 11-19-19)

Chapter 445-8 ENFORCEMENT

Sections:

445-8.002 Compliance.

(a) A person may not smoke in any place where smoking is prohibited by this division.

(b) A person who owns, manages, operates or otherwise controls the use of any place where smoking is prohibited by this division may not knowingly or intentionally permit smoking in those places. For purposes

of this subsection, a person has acted knowingly or intentionally if the person~~he or she~~ has not taken the following actions to prevent smoking by another person: (1) requested that a person who is smoking refrain from smoking; and (2) requested that a person who is smoking leave the place if the person refuses to stop smoking after being asked to stop. This section does not require physically ejecting a person from a place or taking steps to prevent smoking under circumstances that would involve risk of physical harm.

(c) The presence or absence of the signs required by Section 445-4.008 is not a defense to the violation of any other provision of this division.

(Ord. No. 2009-26, § IV, 10-20-09; Ords. 2006-66 § 7, 91-44 § 2)

445-8.004 Remedies.

The county may seek compliance with this division by any remedy allowed under this code, including but not limited to administrative fines (Chapter 14-12), infraction citations (Section 14-8.008), and any other remedy allowed by law.

(Ords. 2006-66 § 7, 2003-01 § 4, 98-43 § 2, 91-44 § 2)

445-8.006 Initiation of enforcement.

Any person may initiate enforcement of this division by notifying the director of health services or ~~his or her~~ the director of health services' designee of any violation.

(Ords. 2006-66 § 7, 91-44 § 2)

445-8.008 Liability.

For purposes of determining liability of persons, firms, corporations, or controlling franchises with business operations in multiple locations, each individual business location shall be deemed a separate entity.

(Ords. 2006-66 § 7, 2003-01 § 4, 98-43 § 2).

445-8.010 No retaliation.

No person shall retaliate against any employee or applicant for employment because the employee or applicant exercises any rights afforded by this division.

(Ords. 2006-66 § 7, 91-44 § 2)

445-8.012 Other applicable laws.

This division shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

(Ords. 2006-66 § 7, 91-44 § 2)

Chapter 445-10 TOBACCO RETAILER'S LICENSE

Sections:

445-10.002 License requirement.

(a) It is unlawful for any retailer, individual, or entity to conduct tobacco retailing in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from Contra Costa County for each location where tobacco retailing is conducted.

(b) No tobacco retailer's license will be issued that:

(1) Authorizes tobacco retailing at any location other than a fixed location. Tobacco retailing by persons on foot and tobacco retailing from vehicles are prohibited.

(2) Authorizes tobacco retailing in a pharmacy.

(3) Results in the total number of tobacco retailer's licenses in the unincorporated area of the county exceeding ninety.

(c) Each day that tobacco products are offered for sale by a tobacco retailer without a tobacco retailer's license is a separate violation.

(Ord. No. 2017-01, § VIII, 7-18-17; Ord. No. 2003-01 § 3; Ord. No. 98-50 § 2)

445-10.004 Enforcement of state law.

If a clerk or employee sells a tobacco product or tobacco paraphernalia to any person under the age of twenty-one, the retailer shall immediately notify the appropriate local law enforcement agency of the violation of Penal Code section 308 for enforcement under that statute.

(Ord. No. 2017-01, § IX, 7-18-17; Ord. No. 2003-01 § 3; Ord. No. 98-50 § 2)

445-10.006 Definitions.

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

(a) "Director" means the director of Contra Costa health services or ~~his or her~~the director of health services' designee.

(b) "Drug paraphernalia" has the meaning set forth in California Health and Safety Code section 11014.5.

(c) "Licensee" means a tobacco retailer who has been issued a tobacco retailer's license in accordance with Section 445-10.010.

(d) "Pharmacy" means any retail establishment where the profession of pharmacy is practiced by a pharmacist licensed by the State of California under the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

(e) "Public health director" means the public health director of Contra Costa County.

(f) "Tax collector" means the treasurer-tax collector of Contra Costa County.

(g) "Tobacco retailer" has the definition set forth in Section 445-2.006.

(Ord. No. 2017-01, § X, 7-18-17; Ord. No. 2003-01 § 3; Ord. No. 98-50 § 2)

445-10.008 Application, issuance and renewal procedure.

(a) Application. An application for a tobacco retailer's license shall be submitted to the tax collector in the name of the retailer, individual, or entity proposing to conduct retail tobacco sales on the business premises. The application shall be signed by the retailer, individual or entity or agent with written authority to act for same. All applications shall be submitted on a form available from the tax collector and shall contain the following information:

(1) The name, address, and telephone number of the applicant;

(2) The business name, address, and telephone number of each establishment where tobacco is to be sold.

(b) Issuance and Renewal. All tobacco retailer's licenses will be issued and due for renewal effective July 1st and will expire on the subsequent June 30. Licensees must apply for renewal before the tobacco retailer's license expires. Applicants for renewal must follow the application procedures set forth in subdivision (a).

(Ords. 2003-01 § 3, 98-50 § 2).

445-10.010 Issuance, display, and transfer of license.

(a) Upon receipt of a completed application for a tobacco retailer's license, including payment of a fee pursuant to Section 445-10.012, the tax collector will issue a tobacco retailer's license, unless any of the following grounds for denial exist:

(1) The application is incomplete or inaccurate;

(2) The application seeks authorization for tobacco retailing by a person or location for which a suspension is in effect under Section 445-10.018;

(3) The application seeks authorization for tobacco retailing that is an unlawful use of land, building or structure contrary to Divisions 82 or 84 of this code.

(4) Failure to pay an outstanding fine.

(b) Each licensee must prominently display the tobacco retailer's license at the location where tobacco retail sales are conducted.

(c) The tobacco retailer's license is nontransferable. If there is a change in location, a new tobacco retailer's license will be issued for the new address upon receipt of an application for change of location. The new tobacco retailer's license will retain the same expiration date as the previous one.

(Ords. 2003-01 § 3, 98-50 § 2).

445-10.012 License fee.

A tobacco retailer's license will not be issued unless a fee is paid. The fee for a tobacco retailer's license shall reflect the reasonable cost of providing services necessary to the licensing activities of this chapter. The fees prescribed by this section are regulatory permit fees and do not constitute a tax for revenue purposes. The fee shall be in the amount established annually by the board of supervisors in the Contra Costa County health services department's fee schedule.

(Ords. 2003-01 § 3, 98-50 § 2).

445-10.014 Business license.

If a tobacco retailer's license is denied, revoked, or suspended pursuant to this chapter, the holder of a valid business license issued pursuant to Chapter 64-14 of this code may nevertheless carry on all lawful aspects of ~~his or her~~their business, other than the sale or offering for sale of tobacco products, unless otherwise prohibited.

(Ords. 2003-01 § 3, 98-50 § 2).

445-10.016 License revocation.

(a) Grounds for Revocation. A tobacco retailer's license may be revoked on any of the following grounds:

(1) One or more of the grounds for denial of a tobacco retailer's license under Section 445-10.010 existed either when a license application was made or before the tobacco retailer's license was issued;

(2) The tobacco retailer's license fee is unpaid;

(3) The tobacco retailer's license has been transferred in violation of Section 445-10.010.

(b) Notice of Revocation Hearing. If any grounds for revocation exist, the director may issue a notice of revocation hearing. A notice of revocation hearing will be served to a tobacco retailer as specified in Section 445-10.022 and will include all of the following information:

(1) The address or a definite description of the location where the tobacco retailer's license is issued;

(2) The grounds for revocation;

(3) The date of the revocation hearing before the public health director. The notice of revocation hearing will set the hearing date no sooner than twenty days and no later than forty-five days following the date the notice of revocation hearing is served.

(c) Revocation Hearing. A tobacco retailer's license may be revoked by the public health director after a tobacco retailer's license revocation hearing. At the hearing, the licensee will be given the opportunity to testify and to present evidence concerning the grounds set forth in the notice of revocation hearing. After considering the testimony and evidence submitted at the hearing, the public health director will issue a written decision to revoke or not revoke the license and will list in the decision the reason or reasons for that decision. The written decision will be served as specified in Section 445-10.022. A revocation is without prejudice to the filing of a new application for a tobacco retailer's license.

(d) Revocation Appeal. The decision of the public health director to revoke a tobacco retailer's license is appealable to the board of supervisors and will be heard at a noticed public hearing as provided in Chapter 14-4 of this code.

(e) Final Order. The tobacco retailer's license revocation becomes a final administrative order at one of the following times:

(1) On the date of the revocation hearing, if a tobacco retailer fails to appear at a scheduled revocation hearing;

(2) On the date the public health director's decision is served, if a tobacco retailer fails to file a written appeal to the board of supervisors within the time specified;

(3) On the date of the appeal hearing, if a tobacco retailer fails to appear at a scheduled appeal hearing before the board of supervisors;

(4) On the date of the decision by the board of supervisors, if a tobacco retailer appears at a scheduled appeal hearing before the board of supervisors.

(Ords. 2003-01 § 3, 98-50 § 2).

445-10.018 License suspension.

(a) Grounds for Suspension. A tobacco retailer's license may be suspended for any violation of this division, any state or federal tobacco-related laws, any state or federal law regulating controlled substances or drug paraphernalia, or any state or local law regulating advertising and signage on retailer's window space.

(b) Notice of Suspension Hearing. If any grounds for suspension exist, the director may issue a notice of suspension hearing. The notice of suspension hearing will be served to a tobacco retailer as specified in Section 445-10.022 and will include all of the following information:

(1) The date of the violation.

(2) The address or other description of the location where the violation occurred.

(3) The code section(s) violated, or applicable state or federal law violated, and a description of the violation.

(4) The time period of the tobacco retailer's license suspension.

(5) The date of the suspension hearing before the public health director. The notice of suspension hearing will set the hearing date no sooner than twenty days and no later than forty-five days following the date the notice of suspension hearing is served.

(c) Suspension Hearing. A tobacco retailer's license may be suspended by the public health director after a tobacco retailer's license suspension hearing. At the hearing, the licensee will be given the opportunity to testify and to present evidence concerning the notice of suspension hearing. After considering the testimony and evidence submitted at the hearing, the public health director will issue a written decision to suspend or not suspend the tobacco retailer's license. The public health director will list in the decision the reason or reasons for the decision and will list the time period of the tobacco retailer's license suspension, if applicable. The written decision will be served as specified in Section 445-10.022.

(d) Time Period of License Suspension.

(1) A tobacco retailer's license may be suspended for up to thirty days for a first violation.

(2) A tobacco retailer's license may be suspended for up to ninety days for a second violation that occurs within five years after the first violation.

(3) A tobacco retailer's license may be suspended for up to one year for a third violation and for each subsequent violation that occurs within five years after the first violation.

(e) Suspension Appeal. The decision of the public health director to suspend a tobacco retailer's license is appealable to the board of supervisors and will be heard at a noticed public hearing as provided in Chapter 14-4.

(f) Final Order. The tobacco retailer's license suspension becomes a final administrative order at one of the following times:

(1) On the date of the suspension hearing, if a tobacco retailer fails to appear at a scheduled suspension hearing.

(2) On the date the public health director's decision is served, if a tobacco retailer fails to file a written appeal to the board of supervisors within the time specified.

(3) On the date of the appeal hearing, if a tobacco retailer fails to appear at a scheduled appeal hearing before the board of supervisors.

(4) On the date of the decision by the board of supervisors, if a tobacco retailer appears at a scheduled appeal hearing before the board of supervisors.

(Ord. No. 2017-01, § XI, 7-18-17; Ord. No. 2003-01 § 3; Ord. No. 98-50 § 2)

445-10.020 Enforcement.

The county may seek compliance with this chapter by any remedy allowed under this code, including, but not limited to, revocation (Section 445-10.016), suspension (Section 445-10.018), administrative fines (Chapter 14-12), criminal citations (Section 14-8.008), and any other remedy allowed by law.

(Ords. 2003-01 § 3, 98-50 § 2).

445-10.022 Service.

All notices or decisions required to be served by this chapter will be served either by the method specified in subsection (a) or by the method specified in subsection (b). The failure of a person to receive a properly addressed service shall not affect the validity of the proceedings.

(a) Certified mail. Certified mail will be addressed to the tobacco retailer at the address shown on the license application. Service is deemed complete upon the deposit of the notice or decision, postage pre-paid, in the United States mail. Simultaneously, the same notice or decision may be sent by regular mail. If a notice or decision sent by certified mail is returned unsigned, then service is deemed effective pursuant to regular mail on the date mailed.

(b) Personal service. Personal service is deemed complete on the date the notice or decision is personally served.

(Ords. 2003-01 § 3, 98-50 § 2).

445-10.024 Display and advertisement without license.

(a) A tobacco retailer without a valid tobacco retailer's license, including a tobacco retailer whose license has been suspended or revoked, shall keep all tobacco products and tobacco paraphernalia out of public view. The public display of tobacco products or tobacco paraphernalia while a license is suspended or revoked is a violation of Section 445-10.002.

(b) A tobacco retailer without a valid tobacco retailer's license, including a tobacco retailer whose license has been suspended or revoked, may not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of these products from the tobacco retailer's location or that could lead a reasonable consumer to believe that these products can be obtained at that location.

(Ord. No. 2017-01, § XII, 7-18-17)

Division 450 HAZARDOUS MATERIALS AND WASTES

Chapter 450-2 HAZARDOUS MATERIALS RELEASE RESPONSE PLANS AND INVENTORIES

450-2.002 Purpose.

Health and Safety Code Chapter 6.95 requires, among other things, that any business which handles a specified quantity of a hazardous material establish a business plan for emergency response to a release or threatened release of a hazardous material, which includes an inventory of hazardous materials handled by the business, and report to the administering agency and the State Office of Emergency Services, occurrences of specified releases or threatened releases of hazardous materials.

The purpose of this division is to impose regulations in addition to Health and Safety Code Chapter 6.95, for the protection of the public and emergency rescue personnel in the county, and to facilitate implementation of said chapter, as authorized by Health and Safety Code Section 25500.

(Ords. 88-74 § 2, 87-5 § 2).

450-2.004 Definitions.

(a) The terns used herein shall have the meanings ascribed to them in Health and Safety Code Section 25501.

(b) "Facility" means a single location or site where hazardous materials are handled.

(Ord. 87-5 § 2).

450-2.006 Administering agency.

The health services department is the designated administering agency in Contra Costa County, responsible for administering and enforcing the provisions of Health and Safety Code Chapter 6.95 and this division, and is empowered to take all actions necessary, therefor. The health services director or the health services director's ~~his~~ designee is designated and empowered to carry out all functions under Chapter 6.95 and this division unless the board, by resolution or order, designates another agency.

(Ord. 87-5 § 2).

450-2.008 Unpackaged consumer products.

(a) Findings. The board finds that the handling of consumer products which are not prepackaged, and which contain a hazardous material or a mixture containing a hazardous material, poses the same threat to the public and emergency rescue personnel as the handling of any hazardous material or mixture containing a hazardous material not meant for direct distribution to the general public. For this reason, consumer products which are not prepackaged for direct distribution to, and use by, the general public should be subject to the same regulations as hazardous materials or mixtures thereof, of like quantities.

(b) Business plans required. Notwithstanding Health and Safety Code 25503.5, any business handling a hazardous material or mixture containing a hazardous material, which has a quantity at any one time during the reporting year equal to, or greater than a total weight of five hundred pounds, or a total volume of fifty-five gallons, or two hundred cubic feet at standard temperature and pressure for compressed gas, contained solely in a consumer product for direct distribution to, and use by, the general public, and which is not prepackaged prior to such distribution, shall establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with Health and Safety Code § 25500 et seq., and the standards and regulations adopted pursuant thereto and in this division.

(Ord. 87-5 § 2).

450-2.010 Business plans.

Business plans shall be submitted on the form and in the manner prescribed by the administering agency. In addition to the information required by state law, business plans shall include:

(1) Number of employees at the facility;

(2) Square footage of facility;

(3) Four-digit Department of Transportation Identification Number; and

(4) Any other information required by the board.

(Ord. 87-5 § 2).

450-2.012 Fees.

Pursuant to Health and Safety Code § 25513, the board may, by resolution and from time to time, adopt a schedule of fees to be collected from each business required to submit a business plan pursuant to Health and Safety Code Chapter 6.95 or this division.

(Ord. 87-5 § 2).

450-2.014 Appeals.

Any decision of the administering agency may be appealed to the hearing authority, in the manner and according to the procedures for appeals from the permit authority in decisions concerning underground storage of hazardous substances, set forth in Sections 450-6.802 through 450-6.806, inclusive, of this code.

(Ord. 96-49 § 2, 87-5).

450-2.016 Report required.

(a) In addition to the releases or threatened releases of hazardous materials required to be reported under Health and Safety Code Section 25507, a handler shall, immediately upon discovery, report to the administering agency, any release of a hazardous material reportable under any law to any federal, state or other local regulatory agency.

(b) For purposes of this section, the term "hazardous material" includes any material, substance or chemical defined as a hazardous material, hazardous substance or hazardous waste under any law requiring report of a release of such material, chemical or waste to any federal, state or other local regulatory agency.

(c) This section does not apply to any person engaged in the transportation of a hazardous material on a highway subject to and in compliance with, the requirements of Sections 2453 and 23112.5 of the Vehicle Code.

(Ord. 88-74 § 3.)

Chapter 450-6 UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES

Article 450-6.2. General

450-6.202 Purpose.

The purpose of this chapter is to establish regulations to supplement and assist and facilitate the enforcement, implementation and administration of the provisions of Health and Safety Code Chapter 6.7 (Section 25280 et seq.) on underground storage of hazardous substances, and regulations adopted pursuant thereto, as said statutes and regulations are amended from time to time.

(Ord. 90-122 § 4).

450-6.204 Authority.

This chapter is adopted pursuant to Health and Safety Code Sections 25299.1(a) and 25299.2, and the county's police power.

(Ord. 90-122 § 4).

450-6.206 Area.

Pursuant to Health and Safety Code Section 25283, the provisions of this chapter apply in the entire county, including territory within incorporated cities.

(Ord. 90-122 § 4).

450-6.208 Definitions.

(a) Except as other- wise provided in this section, for purposes of this chapter, the definitions in Health and Safety Code Section 25281 apply.

(b) "Department" means the county health services department.

(c) "Director" means the director of the county health services department.

(Ord. 90-122 § 4).

450-6.210 Administration.

The department is the "local agency," as said term is defined in Health and Safety Code Section 25281, responsible for the administration, implementation and enforcement of the provisions of Health and Safety Code Chapter 6.7 and this chapter.

(Ord. 90-122 § 4).

Article 450-6.4. Requirements

450-6.402 Additional permits.

No person shall repair or make any modifications to an underground storage tank without a permit therefor issued by the department. The permits required by this section are in addition to the permit required by Health and Safety Code Section 25284.

(Ord. 90-122 § 4).

450-6.404 Delivery.

No person shall deliver any product to an underground storage tank unless the department has issued a permit for its operation to the owner and said permit has not expired or been revoked. Upon request by any person, the owner or operator of an underground storage tank shall allow inspection of the permit.

(Ord. 90-122 § 4).

450-6.406 Fencing.

No person shall leave unattached any excavation over three feet in depth, associated in any way with an underground storage tank without erecting a fence adequate to prevent persons or animals from falling into the excavation.

(Ord. 90-122 § 4).

Article 450-6.6. Permit Revocation or Modification

450-6.602 Grounds for revocation.

In addition to the grounds set forth in Health and Safety Code Section 25285.1, a permit issued pursuant to Health and Safety Code Section 25284 may be revoked for the following reasons:

(a) Nonpayment of any fee imposed by the board of supervisors to implement, administer or enforce Health and Safety Code Chapter 6.7;

(b) Violation of any requirement or regulation set forth in Health and Safety Code Chapter 6.7, regulations adopted thereunder, or this chapter.

(Ord. 90-122 § 4).

450-6.604 Procedure.

A permit may be modified or revoked by the director, or the director's~~his~~ designee, if grounds exist for such modification or revocation.

Prior to any modification or revocation, the owner and operator shall be given written notice of the intended action, and shall have fifteen days from the notice to request a hearing. The notice of intended action shall be provided by personal delivery or first class mail, postage prepaid. Notice is deemed provided on the date of personal delivery or, if mailed, three days after the date of mailing.

If a hearing is requested, the hearing shall be heard by the director or the director's~~his~~ designee, pursuant to the procedures in Section 450-6.804.

(Ord. 90-122 § 4).

Article 450-6.8. Appeals

450-6.802 Appeals.

Any decision relative to permits may be appealed to the director.

Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the director not later than fifteen days after the date of service of the decision being appealed. If an appeal is not filed within the time or in the manner prescribed above, the right to a review of the action against which complaint is made shall be deemed to have been waived.

(Ords. 90-122 § 4, 83-68).

450-6.804 Appeal hearing.

If an appeal is filed within the time and in the manner prescribed by Section 450-6.802, or a hearing is requested within the time and in the manner prescribed by Section 450-6.604, the director or the director's~~his~~ designee shall promptly set the matter for hearing. Written notice of the time, date and place of the hearing shall be mailed to the appellant not later than ten days preceding the date of the hearing.

During the hearing, the burden of proof shall rest with the appellant. The provisions of the California Administrative Procedure Act (commencing at Section 11500 of the Government Code) shall not be applicable to such hearings, nor shall formal rules of evidence in civil or criminal judicial proceedings be applicable. Written statements by a county officer or employee, an officer or employee of the state of California, or an officer or employee of any law enforcement or fire protection agency acting in the course and scope of ~~his or her~~their employment or official duties may be accepted as evidence that such fact(s) or condition(s) do or do not exist. At the conclusion of the hearing, the director or the director's~~his~~ designee shall prepare a written decision which either grants, conditionally grants or denies the appeal, and contains findings of fact and conclusions. The written decision shall be mailed to the appellant.

(Ords. 90-122 § 4, 83-68).

450-6.806 Finality of determination.

The written decision rendered pursuant to Section 450-6.804 shall be the final decision of the director and is effective upon the date of mailing.

(Ords. 90-122 § 4, 83-68).

Chapter 450-8 RISK MANAGEMENT

450-8.002 Background and findings.

The board of supervisors of Contra Costa County finds as follows:

(a) Recent incidents in Contra Costa County at industrial chemical, petrochemical, and oil industry facilities have prompted the consideration of reviews, inspections, and audits that supplement existing federal and state safety programs and the imposition of additional safety measures to protect public health and safety from accidental releases.

(b) Section 112(r)(7) of the Clean Air Act (42 U.S.C.A. Section 7412(4)) required the Federal Environmental Protection Agency ("EPA") to promulgate the rule known as the "Risk Management Program," which is intended to prevent accidental releases of regulated substances, as defined in the federal program, and reduce the severity of those releases that do occur. All facilities subject to this federal regulation must prepare a risk management plan (RMP) based on a risk management program established at the facility, that includes a hazard assessment of the facility, an accidental release prevention program, and an emergency response program (40 CFR Section 68). The facility must submit the Federal RMP to the

EPA by June 21, 1999 (40 CFR Section 68-150-68.185). The federal RMP will be available to state and local government and the public.

(c) The California Health and Safety Code Article 2 (Section 25531 et seq.) of Chapter 6.95 was amended effective January 1, 1997 to implement the federal EPA's risk management program rule with certain state-specific amendments. The state's risk management program is known as the California Accidental Release Prevention (CalARP) Program.

(d) The county recognizes that regulatory requirements alone will not guarantee public health and safety, and that the public is a key stakeholder in chemical accident prevention, preparedness, and response at the local level. Preventing accidental releases of regulated substances is the shared responsibility of industry, government and the public. The first steps toward accident prevention are identifying the hazards and assessing the risks. Once information about chemical hazards in the community is openly shared, industry, government, and the community can work together towards reducing the risk to public health and safety.

(e) The success of a safety program is dependent upon the cooperation of industrial chemical and oil refining facilities within Contra Costa County. The public must be assured that measures necessary to prevent incidents are being implemented, including changes or actions required by the department or the stationary source that are necessary to comply with this chapter.

(Ord. 98-48 § 2)

450-8.004 Purpose and goals.

(a) The purpose of this chapter is to impose regulations which improve industrial safety by:

(1) Requiring the conduct of process hazard analyses for covered processes handling hazardous materials not covered by the federal or state accidental release prevention programs;

(2) Requiring the review of action items resulting from process hazard analyses and requiring completion of those action items selected by the stationary source for implementation within a reasonable time frame;

(3) Requiring the review of accidental release prevention efforts of stationary sources and providing for the conduct of investigations and analyses for the determination of the root cause for certain incidents;

(4) Providing review, inspection, auditing and safety requirements that are more stringent than those required in existing law and regulations;

(5) Providing for public input into the safety plan and safety program and public review of any inspection and audit results;

(6) Facilitating cooperation between industry, the county, local fire departments, Cal/OSHA, EPA, other agencies that have oversight of refineries, and the public in the prevention and reduction of incidents at stationary sources;

(7) Expanding the application of certain provisions of the federal and state accidental release prevention programs to processes not covered by the federal or state accidental release prevention programs;

(8) Verifying that an approved security and vulnerability study is performed, and that the recommendations are addressed within a reasonable time frame;

(9) Requiring the development and implementation of a written human factors program; and

(10) Preventing and reducing the number, frequency, and severity of accidental releases in the county to the greatest extent feasible.

(Ord. No. 2014-07, § III, 6-17-14; Ords. 2006-22 § 2, 98-48 § 2)

450-8.006 Authority.

The ordinance codified in this chapter is adopted by the county pursuant to its police power for the purposes of protecting public health and safety by prevention of accidental releases of hazardous materials and to assure protection of the environment.

(Ord. 98-48 § 2)

450-8.008 Administration.

The department is charged with the responsibility of administering and enforcing this chapter.

(Ord. 98-48 § 2)

450-8.010 Applicability.

(a) This chapter shall apply to stationary sources except that:

(b) The following are exempt from the provisions of this chapter except Sections 450-8.016(c) and (e), and 450-8.018(f) and (g):

(1) Storage tanks containing a nonregulated substance, except for storage tanks that contain a material that has a flashpoint above one hundred forty-one degrees Fahrenheit and below two hundred degrees Fahrenheit in accordance with the definition of combustible liquid in 49 CFR 173.120(b);

(2) Drum storage of: (A) a nonregulated substance; (B) less than ten thousand pounds of a hazard category B material located such that the drums could reasonably be expected to be involved in a single release; and (C) a hazard category A material, located such that the drums could reasonably be expected to be involved in a single release, at less than the quantity specified as the threshold planning quantity on the extremely hazardous substances list (Appendix A to 40 CFR Chapter I, Subchapter J, Part 355, as amended from time to time) or five hundred pounds, whichever is less;

(3) Activities in process plant laboratories or laboratories that are under the supervision of a technically qualified individual as defined in Section 720.3(ee) of 40 CFR. This exemption does not apply to specialty chemical production; manufacture, processing or use of substances in pilot plant scale operations; and activities conducted outside the laboratory;

(4) Utilities, except for fuel gas and natural gas systems to the battery limits of a process unit; and

(5) Any waste tanks, containers or other devices subject to the federal and state hazardous waste laws, including the Resource Conservation and Recovery Act (RCRA), 40 CFR Chapter I, Subchapter I, commencing with Part 260, the California Hazardous Waste Control Law, California Health and Safety Code, commencing with Section 25100 and the California Code of Regulations, Title 22 Division 4.5 Environmental Health Standards for the Management of Hazardous Waste.

(Ords. 2006-22 § 3; 98-48 § 2)

450-8.012 Inspection.

The department shall be allowed reasonable access to any part of the stationary source subject to the requirements of this chapter, Sections 450-8.016 and 450-8.018 and to supporting documentation retained by the source for the purpose of determining compliance with this chapter.

(Ord. 98-48 § 2)

450-8.014 Definitions.

For purposes of this chapter, the definitions set forth in this section shall apply. Words used in this chapter not defined in this section shall have the meanings ascribed to them in the Clean Air Act Regulations (40 CFR Section 68.3) and in California Health and Safety Code Article 2 (Section 25531 et seq.) of Chapter 6.95, unless the context indicates otherwise.

(a) "Covered process" means any process at a stationary source.

(b) "Department" means the county health services director and any director authorized deputies.

(c) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(d) "Hazard category A materials" are substances which meet the hazard category A material definition as set forth in Section 84-63.1016.

(e) "Hazard category B materials" are substances which meet the hazard category B material definition as set forth in Section 84-63.1016.

(f) "Industry codes, standards, and guidelines" means the edition of the codes, standards, and guidelines in effect at the time of original design or construction for the design, construction, alteration, maintenance or repair of process units, industrial equipment, or other industrial facilities, structures or buildings published by, but not limited to, the American Petroleum Institute (API), the American Chemistry Council (ACC), the American Society of Mechanical Engineers (ASME) or the American National Standards Institute (ANSI), and meets recognized and generally accepted good engineering practices (RAGAGEP).

(g) "Inherently safer systems" means "inherently safer design strategies" as discussed in the latest edition of the Center for Chemical Process Safety Publication "Inherently Safer Chemical Processes," and means feasible alternative equipment, processes, materials, lay-outs, and procedures meant to eliminate, minimize, or reduce the risk of a major chemical accident or release by modifying a process rather than adding external layers of protection. Examples include, but are not limited to, substitution of materials with lower vapor pressure, lower flammability, or lower toxicity; isolation of hazardous processes; and use of processes which operate at lower temperatures and/or pressures.

(h) "Major chemical accident or release" means an incident that meets the definition of a level three or level two incident in the community warning system incident level classification system defined in the hazardous materials incident notification policy, as determined by the department; or results in the release of a regulated substance and meets one or more of the following criteria:

(1) Results in one or more fatalities;

(2) Results in at least twenty-four hours of hospital treatment of each of at least three persons;

(3) Causes on- and/or off-site property damage (including clean-up and restoration activities) initially estimated at five hundred thousand dollars or more. On-site estimates shall be performed by the

stationary source. Off-site estimates shall be performed by appropriate agencies and compiled by the department;

(4) Results in a vapor cloud of flammables and/or combustibles that is more than five thousand pounds.

(i) "Regulated substance" means (1) any chemical substance which satisfies the provisions of California Health and Safety Code Section 25532(g), as amended from time to time, or (2) a substance which satisfies the provisions of hazard categories A or B in Section 84-63.1016. Mixtures containing less than one-percent of a regulated substance shall not be considered in the determination of the presence of a regulated material.

(j) "Risk management program" means the documentation, development, implementation, and integration of management systems by the facility to comply with the regulations set forth in 40 CFR, Part 68 and the California Health and Safety Code, Article 2, commencing with Section 25531.

(k) "RMP" means the risk management plan required to be submitted pursuant to the requirements of the 40 CFR Section 68.150-68.185 and the California Health and Safety Code Article 2 (Section 25531 et seq.) of Chapter 6.95.

(l) "Root cause" means prime reasons, such as failures of some management systems, that allow faulty design, inadequate training, or improper changes, which lead to an unsafe act or condition, and result in an incident. If root causes were removed, the particular incident would not have occurred.

(m) "Safety plan" means the safety plan required to be submitted to the department pursuant to the requirements of Section 450-8.016.

(n) "Safety program" means the documentation, development, implementation, and integration of management systems by the stationary source to comply with the safety requirements set forth in Section 450-8.016.

(o) "Stationary source" or "source" means a facility which includes at least one process as defined in 40 CFR 68.10 that is subject to federal risk management program level three requirements and whose primary North American Industry Classification System code (NAICS) is three hundred twenty-four (petroleum and coal products manufacturing) or three hundred twenty-five (chemical manufacturing).

(p) "California accidental release prevention program" means the documentation, development, implementation, and integration of management systems by a facility to comply with the regulations set forth in California Code of Regulations, Title 19, Division 2, Chapter 4.5.

(q) "Catastrophic release" means a major uncontrolled emission, fire, or explosion, involving one or more highly hazardous chemicals, that presents serious danger to employees in the workplace and/or the public. As used in this section, "highly hazardous chemical" has the meaning ascribed to it in 29 CFR 1910.119(b) as of May 21, 2003.

(r) "Human factors" means a discipline concerned with designing machines, operations, and work environments so that they match human capabilities, limitations, and needs. "Human factors" can be further referred to as environmental, organizational, and job factors, and human and individual characteristics that influence behavior at work in a way that can affect health and safety.

(s) "Human systems" means the systems, such as written and unwritten policies, procedures, and practices, in effect to minimize the existence/persistence of latent conditions at the stationary source. It also includes the broad area of safety culture of a stationary source to the extent that it influences the actions of individuals or groups of individuals.

(t) "Layer of protection analysis" (LOPA) means a semi-quantitative analysis of the risk of process hazards and the adequacy of safeguards against those hazards.

(u) "Process hazard analysis" (PHA) means a qualitative, semi-quantitative or quantitative analysis of a process, involving the identification of individual hazards of a process, determination of the mechanisms by which hazards could give rise to undesired events, and evaluation of the consequences of these events on health, property and the environment.

(v) "Process safety performance indicators" are measurements of a stationary source's activities and other events that are used to evaluate the performance of process safety systems.

(Ord. No. 2014-07, § IV, 6-17-14; Ords. 2006-22 § 4, 98-48 § 2)

450-8.016 Stationary source safety requirements.

The stationary source shall submit a safety plan to the department within one-year of the effective date of the ordinance codified in this chapter or within three years of the date a facility becomes a stationary source, that complies with the provisions of this section and that includes the safety elements listed in subsection (a). In addition, the stationary source shall comply with the safety requirements set forth in subsections (a) through (e), (i) and (j) and shall include a description of the manner of compliance with these subsections in the safety plan. A new covered process at an existing stationary source shall comply with subsections (a) through (e), (i) and (j) prior to initial startup.

(a) Safety Program Elements. All covered processes shall be subject to the safety program elements listed below. The safety plan shall include a description of the manner in which these safety program elements listed below shall be applied to the covered process. These safety program elements shall be implemented in conformance with the California accidental release prevention program and the safety plan shall follow Chapters 5, 7, 8 and 9 of the county health services department CalARP program guidance document.

(1) Process Safety Information.

(A) The stationary source shall complete a compilation of written process safety information before conducting any process hazard analysis as required by this chapter. The compilation of written process safety information is to enable the stationary source and the employees involved in operating the covered process to identify and understand the hazards posed by the covered process. This process safety information shall include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, information pertaining to the equipment in the process, and information pertaining to the hazards of the regulated substances in the process.

(i) This information shall consist of at least the following: toxicity information; permissible exposure limits; physical data; reactivity data; corrosivity data; thermal and chemical stability data; and hazardous effects of inadvertent mixing of different materials that could foreseeably occur.

(ii) Material safety data sheets meeting the requirements of Section 5189, Title 8 of California Code of Regulations may be used to comply with this requirement to the extent they contain the information required by this subsection.

(iii) Information pertaining to the technology of the process shall include at least the following: a block flow diagram or simplified process flow diagram; process chemistry; maximum intended inventory; safe upper and lower limits for such items as temperatures, pressures, flows or compositions; and, an evaluation of the consequences of deviations. Where the original technical information no

longer exists, such information may be developed in conjunction with the process hazard analysis in sufficient detail to support the analysis.

(iv) Information pertaining to the equipment in the process shall include: materials of construction; piping and instrument diagrams (P&ID's); electrical classification; relief system design and design basis; ventilation system design; design codes and standards employed; material and energy balances for processes built after the compliance date of the ordinance codified in this chapter; and safety systems (e.g., interlocks, detection or suppression systems).

(B) The stationary source shall document that equipment complies with recognized and generally accepted good engineering practices.

(C) For existing equipment designed and constructed in accordance with codes, standards, or practices that are no longer in general use, the stationary source shall determine and document that the equipment is designed, maintained, inspected, tested, and operating in a safe manner.

(2) Operating Procedures.

(A) The stationary source shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least the following elements:

(i) Steps for each operating phase: initial startup; normal operations; temporary operations; emergency shutdown, including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner; emergency operations; normal shutdown; and, startup following a turnaround, or after an emergency shutdown.

(ii) Operating limits: consequences of deviation; and steps required to correct or avoid deviation.

(B) Safety and Health Considerations. Properties of, and hazards presented by, the chemicals used in the process; precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment; control measures to be taken if physical contact or airborne exposure occurs; quality control for raw materials and control of hazardous chemical inventory levels; and, any special or unique hazards.

(C) Safety systems and their functions.

(D) Operating procedures shall be readily accessible to employees who work in or maintain a process.

(E) The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The stationary source shall certify annually that these operating procedures are current and accurate.

(F) The stationary source shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a stationary source by maintenance, contractor, laboratory, or other support personnel. These safe work practices shall apply to employees and contractor employees.

(3) Employee Participation.

(A) The stationary source shall develop a written plan of action regarding the implementation of the employee participation required by this chapter.

(B) The stationary source shall consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of the safety program in this chapter.

(C) The stationary source shall provide to employees and their representatives access to process hazard analyses and to all other information required to be developed under this chapter.

(4) Training. For each employee in such covered process:

(A) Initial Training. Each employee presently involved in operating a covered process, and each employee before being involved in operating a newly assigned covered process, shall be trained in an overview of the process and in the operating procedures as specified in subsection (a)(2)(A). The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks. In lieu of initial training for those employees already involved in operating a process, an owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures.

(B) Refresher Training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a covered process to assure that the employee understands and adheres to the current operating procedures of the covered process. The stationary source, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training.

(C) Training Documentation. The stationary source shall ascertain that each employee involved in operating a process has received and understood the training required by this section. The stationary source shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

(5) Mechanical Integrity, Including the Use of Industry Codes, Standards, and Guidelines.

(A) Application. Subsections (a)(5)(B) through (a)(5)(F) apply to the following process equipment: pressure vessels and storage tanks; piping subsystems (including piping components such as valves); relief and vent systems and devices; emergency shutdown systems; controls (including monitoring devices and sensors, alarms, and interlocks) and pumps.

(B) Written Procedures. The stationary source shall establish and implement written procedures to maintain the on-going integrity of process equipment.

(C) Training for Process Maintenance Activities. The stationary source shall train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

(D) Inspection and Testing.

(1) Inspections and tests shall be performed on process equipment. Inspection and testing procedures shall follow recognized and generally accepted good engineering practices. The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience. The stationary source shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

(E) Equipment Deficiencies. The stationary source shall correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in subsection (a)(1)) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

(F) Quality Assurance. In the construction of new plants and equipment, the stationary source shall assure that equipment as it is fabricated is suitable for the process application for which they will be used. Appropriate checks and inspections shall be performed to assure that equipment is installed properly and consistent with design specifications and the manufacturer's instructions. The stationary source shall assure that maintenance materials, spare parts and equipment are suitable for the process application for which they will be used.

(6) Management of Change.

(A) The stationary source shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and changes to stationary sources that affect a covered process.

(B) The procedures shall assure that the following considerations are addressed prior to any change: the technical basis for the proposed change; impact of change on safety and health; modifications to operating procedures; necessary time period for the change; and authorization requirements for the proposed change. The procedures shall also require identification and analysis of inherently safer systems as required by subsection (i).

(C) Employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process shall be informed of, and trained in, the change prior to startup of the process or affected part of the process.

(D) If a change covered by this section results in a change in the process safety information required by subsection (a)(1), such information shall be updated accordingly.

(E) If a change covered by this section results in a change in the operating procedures or practices required by subsection (a)(2), such procedures or practices shall be updated accordingly.

(7) Pre-Startup Reviews.

(A) The stationary source shall perform a pre-startup safety review for new stationary sources and for modified stationary sources when the modification is significant enough to require a change in the process safety information.

(B) The pre-startup safety review shall confirm that prior to the introduction of regulated substances to a covered process: construction and equipment is in accordance with design specifications; safety, operating, maintenance, and emergency procedures are in place and are adequate; for new covered processes, a process hazard analysis has been performed and recommendations have been resolved or implemented before startup; and modified covered processes meet the requirements contained in management of change, subsection (a)(6); and training of each employee involved in operating a process has been completed.

(8) Compliance Audits.

(A) The stationary source shall certify that they have evaluated compliance with the provisions of this section at least every three years to verify that the procedures and practices developed under this chapter are adequate and are being followed.

(B) The compliance audit shall be conducted by at least one person knowledgeable in the process.

(C) A report of the findings of the audit shall be developed.

(D) The stationary source shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

(E) The stationary source shall retain the two most recent compliance audit reports.

(9) Incident Investigation.

(A) The stationary source shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of a regulated substance.

(B) An incident investigation shall be initiated as promptly as possible, but not later than forty-eight hours following the incident.

(C) An incident investigation team shall be established and consist of at least one person knowledgeable in the covered process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident.

(D) A report shall be prepared at the conclusion of the investigation which includes at a minimum: date of incident; date investigation began; a description of the incident; the factors that contributed to the incident; and recommendations resulting from the investigation. The written summary shall indicate whether the cause of the incident and/or recommendations resulting from the investigation are specific only to the process or equipment involved in the incident, or are applicable to other processes or equipment at the stationary source. The incident investigation report shall be made available to the department upon request.

(E) The stationary source shall establish a system to promptly address and resolve the incident report findings and recommendations. As part of this system, inherently safer systems shall be identified and analyzed as required by subsection (i). Resolutions and corrective actions shall be documented.

(F) The report shall be reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable.

(G) Incident investigation reports shall be retained for five years.

(10) Hot Work.

(A) The stationary source shall issue a hot work permit for hot work operations conducted on or near a covered process.

(B) The permit shall document that the fire prevention and protection requirements in Section 5189 of Title 8 of California Code Regulations have been implemented prior to beginning the hot work operations; it shall indicate the date(s) authorized for hot work; and identify the object on which hot work is to be performed. The permit shall be kept on file until completion of the hot work operations.

(11) Contractors.

(A) Application. This section applies to contractors performing maintenance or repair, turnaround, major renovation, or specialty work on or adjacent to a covered process. It does not apply to contractors providing incidental services which do not influence process safety, such as janitorial work, food and drink services, laundry, delivery or other supply services.

(B) Stationary Source Responsibilities.

(i) The stationary source, when selecting a contractor, shall obtain and evaluate information regarding the contract owner or operator's safety performance and programs.

(ii) The stationary source shall inform contract owner or operator of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process.

(iii) The stationary source shall explain to the contract owner or operator the applicable provisions of the emergency response program subsection (a)(12).

(iv) The stationary source shall develop and implement safe work practices consistent with subsection (a)(2) to control the entrance, presence, and exit of the contract owner or operator and contract employees in covered process areas.

(v) The stationary source shall periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in subsection (a)(11)(C).

(C) Contract Owner or Operator Responsibilities.

(i) The contract owner or operator shall assure that each contract employee is trained in the work practices necessary to safely perform the contract employee's~~his/her~~ job.

(ii) The contract owner or operator shall assure that each contract employee is instructed in the known potential fire, explosion, or toxic release hazards related to the contract employee's~~his/her~~ job and the process, and the applicable provisions of the emergency action plan.

(iii) The contract owner or operator shall document that each contract employee has received and understood the training required by this section. The contract owner or operator shall prepare a record which contains the identity of the contract employee, the date of training, and the means used to verify that the employee understood the training.

(iv) The contract owner or operator shall assure that each contract employee follows the safety rules of the stationary source including the safe work practices required by subsection (a)(2).

(v) The contract owner or operator shall advise the stationary source of any unique hazards presented by the contract owner or operator's work, or of any hazards found by the contract owner or operator's work.

(12) Emergency Response Program.

(A) The stationary source shall develop and implement an emergency response program for the purpose of protecting public health and the environment. Such program shall include the following elements:

(i) An emergency response plan, which shall be maintained at the stationary source and contain at least the following elements: procedures for informing the public and local emergency response agencies about accidental releases, emergency planning, and emergency response; documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures; and procedures and measures for emergency response after an accidental release of a regulated substance;

(ii) Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance, including documentation of inspection, testing, and maintenance;

(iii) Training for all employees in relevant procedures and the incident command system; and

(iv) Procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes.

(B) A written plan that complies with other federal contingency plan regulations or is consistent with the approach in the national response team's integrated contingency plan guidance ("One Plan") and that, among other matters, includes the elements provided in subsection (a)(12)(A), shall satisfy the requirements of this section if the stationary source also complies with subsection (a)(12)(C).

(C) The emergency response plan developed under this section shall be coordinated with the community emergency response plan developed under 42 U.S.C. Section 11003. Upon request of the local emergency planning committee or emergency response officials, the stationary source shall promptly provide to the local emergency response officials information necessary for developing and implementing the community emergency response plan.

(D) The stationary source whose employees will not respond to accidental releases of regulated substances need not comply with subsections (a)(12)(A) through (a)(12)(C) provided that they meet the following:

(i) For stationary sources with any regulated toxic substance held in a process above the threshold quantity, the stationary source is included in the community emergency response plan developed under Section 11003 of Title 42 of the United States Code (U.S.C.); or

(ii) For stationary sources with only regulated flammable substances held in a process above the threshold quantity the stationary source has coordinated response actions with the local fire department; and

(iii) Appropriate mechanisms are in place to notify emergency responders when there is a need for a response.

(13) Safety Program Management.

(A) The owner or operator of a stationary source subject to this chapter shall develop a management system to oversee the implementation of the safety program elements.

(B) The owner or operator shall assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the safety program elements.

(C) When responsibility for implementing individual requirements of this chapter is assigned to persons other than the person identified under subsection (a)(13)(B), the names or positions of these people shall be documented and the lines of authority defined through an organization chart or similar document.

(D) Process Safety Performance Indicators.

(i) No later than September 30, 2014, the department shall develop a list of stationary source activities and other events to be measured by each stationary source in order to evaluate the performance of process safety systems. This list is the "event list." Each stationary source shall measure these activities and other events and document the measurements. These documented measurements are "common process safety performance indicators." No later than June 30 of each year after 2014, each stationary source will report to the department the common process safety performance indicators recorded by the stationary source in the prior calendar year. The department will include these common process safety performance indicators in the annual performance review and evaluation report required by Section 450-8.030.

(ii) The department shall review the event list at least once every three years to determine if it should be revised. If the department determines that a new activity or other event will be added to the event list, stationary sources shall report to the department the new common process safety performance indicator(s) by June 30 of the next year following the revision of the event list.

(iii) No later than September 30, 2014, each stationary source shall develop a list of site-specific activities and other events that it will measure in order to evaluate the performance of its process safety systems. Each stationary source shall document these site-specific process safety performance indicators and make this documentation available to the department during an audit or inspection and upon request.

(b) Human Factors Program.

(1) Stationary sources shall develop a written human factors program that follows the human factors guidance document developed or adopted by the department. The program shall be developed within one-year following the issuance of the county guidance documents, the effective date of the ordinance codified in this section, or as otherwise allowed by this chapter, whichever is later. The human factors program shall address:

(A) The inclusion of human factors in the process hazards analysis process;

(B) The consideration of human systems as causal factors in the incident investigation process for major chemical accidents or releases or for an incident that could reasonably have resulted in a major chemical accident or release;

(C) The training of employees in the human factors program;

(D) Operating procedures;

(E) Maintenance safe work practice procedures and maintenance procedures for specialized equipment, piping, and instruments, no later than June 30, 2011; and

(F) The requirement to conduct a management of change prior to staffing changes for changes in permanent staffing levels/reorganization in operations, maintenance, health and safety, or emergency response. This requirement shall also apply to stationary sources using contractors in permanent positions in operations and maintenance. Prior to conducting the management of change, the stationary source shall ensure that the job function descriptions are current and accurate for the positions under consideration. Staffing changes that last longer than ninety days are considered permanent. Temporary changes associated with strike preparations shall also be subject to this requirement. Employees and their representatives shall be consulted in the management of change.

(2) Employees and their representatives shall participate in the development of the written human factors program.

(3) The program shall include, but not be limited to, issues such as staffing, shiftwork and overtime.

(4) A description of the human factors program subsections (b)(1) through (b)(3) shall be included in the safety plan prepared by the stationary source.

(c) Root Cause Analysis and Incident Investigation.

(1) Stationary sources shall conduct a root cause analysis for each major chemical accident or release which occurs after the effective date of the ordinance codified in this chapter. Stationary sources shall periodically update the department on facts related to the release or incident, and the status of a root cause analysis conducted pursuant to this section, at meetings scheduled by the department in cooperation with the stationary source. To the maximum extent feasible, the department and the stationary source shall coordinate these meetings with other agencies with jurisdiction over the stationary source. Within thirty days of completing a root cause analysis performed pursuant to this section, the stationary source shall submit to the department a final report containing that analysis, including recommendations to be implemented to mitigate against the release or incident reoccurring, if any, and a schedule for completion of resulting recommendations. The stationary source shall also comply with subsection (i)(1)(E) if applicable. The department may require the stationary source to submit written, periodic update reports at a frequency not to exceed every thirty days until the final report is submitted. The methodology of the root cause analysis shall be one of the methodologies recognized by the Center for Chemical Process Safety or shall be reviewed by the department to determine substantial equivalency.

(2) The department may elect to do its own independent root cause analysis or incident investigation for a major chemical accident or release. If the department elects to conduct a root cause analysis or incident investigation the stationary source shall cooperate with the department by providing the following access and information in a manner consistent with the safety of department and stationary source personnel and without placing undue burdens on the operation of the stationary source:

(i) Allow the department to investigate the accident site and directly related facilities such as control rooms, physical evidence and where practicable the external and internal inspection of equipment;

(ii) Provide the department with pertinent documentation; and

(iii) Allow the department to conduct independent interviews of stationary source employees, subject to all rights of the stationary source and employees to be represented by legal counsel and/or management and union representatives during such interviews. If in the course of the department's root cause analysis or incident investigation access is required to areas of the stationary source which in the judgment of the stationary source requires personnel entering the area to use protective equipment and/or have specialized training the department shall provide its personnel with such equipment and training. To the maximum extent feasible, the department shall coordinate any root cause analysis or incident investigation it conducts with investigations conducted by other agencies with jurisdiction over the stationary source to minimize the adverse impacts on the stationary source and/or its employees.

(3) No part of the conclusions, findings or recommendations of the root cause analysis conducted by the department or stationary source, or incident investigation conducted by the department, relating to any major chemical accident or release or the investigation thereof shall be admitted as evidence or used in any action or suit for damages arising out of any matter mentioned in such report.

(4) If the department issues a root cause analysis report, the stationary source shall comply with subsection (i)(1)(E) if applicable.

(d) Process Hazard Analysis/Action Items.

(1) Process hazard analyses will be conducted for each of the covered processes according to one of the following methods: What-if, checklist, what-if/checklist, hazard and operability study (HAZOP), failure mode and effects analysis (FMEA), fault tree analysis or an appropriate equivalent methodology approved by the department prior to conducting the process hazard analysis. The PHA shall be appropriate to the complexity of the covered process and shall identify, evaluate, and control the hazards involved in the covered process. The PHA shall address: the hazards of the process; the identification of any previous incident which had a likely potential for catastrophic consequences; engineering and administrative control applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases (acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors); consequences of failure of engineering and administrative controls; covered process and stationary source siting; human factors; and a qualitative evaluation of a range of the possible safety and health effects of failure of controls. Process hazard analyses should also include consideration of external events except for seismic analyses, which are only required when criteria listed in subsection (d)(2) are satisfied. All process hazard analyses shall be performed by a team with expertise in engineering and process operations, and the team shall include at least one employee who has experience and knowledge specific to the process being evaluated. Also, one member of the team must be knowledgeable in the specific PHA methodology being used.

(2) The process hazard analyses shall be conducted within one-year of the effective date of the ordinance codified in this chapter and no later than the submittal date of the safety plan. Previously completed process hazard analyses that comply with the California Code of Regulations, Title 8, Section 5189, and/or the California Code of Regulations, Title 19, Section

2760.2 are acceptable for the purposes of this chapter. Process hazard analyses shall be updated and revalidated at least once every five years after completion of the initial process hazard analysis. Updated and revalidated process hazard analyses completed to comply with the California Code of Regulations, Title 8, Section 5189, and/or the California Code of Regulations, Title 19, Section 2760 are acceptable for meeting the update and revalidation requirement. Seismic events shall be considered for processes containing a substance defined in the California Code of Regulations, Title 19, Chapter 4.51, Section 2770.5, if the distance to the nearest public receptor for a worst case release scenario specified by the California Code of Regulations, Title 19, Chapter 4.5, Section 2750.3 is within the distance to a toxic or flammable endpoint as defined in California Code of Regulations, Title 19, Chapter 4.5, Section 2750.2(a).

(3) For all covered processes, the stationary source shall document the decision made to implement or not implement all PHA recommended action items and the results of recommendations for additional study. The stationary source shall complete recommended actions from the initial PHA and from PHA revalidations, identified by the process hazard analysis and selected for implementation by the stationary source as follows: all actions not requiring a process shutdown shall be completed within one-year after the completion of the PHA; all actions requiring a process shutdown shall be completed during the first regularly scheduled turnaround of the applicable process subsequent to one-year after the completion of the PHA unless the stationary source demonstrates to the satisfaction of the department that such a schedule is infeasible. For recommended actions not selected for implementation, the stationary source shall include the justification for not implementing the recommended action. For all covered processes, the stationary source shall retain documentation of closure, and any associated justifications, of actions identified by the PHA. The stationary source shall communicate the actions to operating, maintenance, and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

(e) Accident History.

(1) The stationary source shall include an accident history in the safety plan of all major chemical accidents or releases from June 1, 1992, through the date of safety plan submittal to the department. For each major chemical accident or release the stationary source shall report the following information, to the extent known:

Date, time and approximate duration of the release;

Chemicals released;

Estimated quantity released in pounds;

Type of release event and its source;

Weather conditions at the time of the release;

On-site impacts;

Known off-site impacts;

Initiating event and contributing factors;

Root cause(s);

Whether off-site responders were notified; and

Operational or process changes that resulted from the investigation of the release.

(2) The stationary source shall annually submit a report of the accident history to the department. The first report shall be due two years after the effective date of the ordinance codified in this chapter, and subsequent reports shall be due by June 30th of each year.

(f) Certification. The owner or operator shall submit in the safety plan a single certification that, to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete.

(g) Security and Vulnerability Assessment. Each stationary source shall perform and document a security and vulnerability assessment as defined in the Contra Costa County CalARP program guidance document, by June 30, 2007, and at least once every five years after the initial assessment, or as prescribed by federal regulation. The stationary source shall document its process for assuring that recommendations are addressed.

(h) Safety Culture Assessment. The stationary source shall conduct a safety culture assessment. The assessment shall be based upon a method listed in the Contra Costa County CalARP program guidance document or shall be reviewed by the department to determine substantial equivalency. The initial assessment shall be performed by one-year following the revisions to the industrial safety ordinance guidance document that addresses the safety culture assessment, and at least once every five years thereafter. The safety culture assessment will be reviewed during the audit and inspection of the stationary source. The department may perform its own safety culture assessment after a major chemical accident or release or the occurrence of any incident that could reasonably have led to a major chemical accident or release, or based on department audit results of the stationary source.

(i) Inherently Safer Systems Analysis.

(1) A stationary source shall conduct an inherently safer systems analysis (ISSA) for each covered process as follows:

(A) The stationary source shall conduct an ISSA on existing covered processes every five years.

(B) The stationary source shall conduct an ISSA in the development and analysis of recommended action items identified in a PHA.

(C) Effective September 30, 2014, whenever a major change is proposed at a facility that could reasonably result in a major chemical accident or release, the stationary source shall conduct an ISSA as part of a management of change review required by subsection (a)(6)(B).

(D) If an incident occurs on or after September 30, 2014, an investigation of the incident is conducted pursuant to subsection (a)(9)(A) and the incident investigation report recommends a major change that could reasonably result in a major chemical accident or release, the stationary source shall commence and complete an ISSA of the recommended major change as soon as administratively practicable after completion of the incident investigation report.

(E) If an incident occurs on or after September 30, 2014, a root cause analysis of the incident is conducted as required by subsections (c)(1) or (c)(2), and the root cause analysis report or an associated incident investigation report recommends a major change that could reasonably result in a major chemical accident or release, the stationary source shall commence and complete an ISSA of the recommended major change as soon as administratively practicable after completion of the root cause analysis report.

(F) The stationary source shall conduct an ISSA during the design of new processes, process units and facilities. Immediately upon completion of the ISSA report referred to in

subsection (i)(2), the stationary source shall advise the department of the availability of the ISSA report.

(2) The stationary source shall prepare a written report documenting each ISSA within thirty days of completion of the ISSA and make the report available to the department during an audit or inspection and upon request. The ISSA report must contain, at a minimum, the following information:

(A) Identification and a description of the inherently safer system(s) analyzed in the ISSA;

(B) A description of the methodology used to analyze the inherently safer systems(s);

(C) The conclusions of the analysis;

(D) The rationale for the conclusions; and

(E) An action plan, including a timeline to implement the inherently safer system(s) recommended in the ISSA.

(3) The stationary source shall select and implement each inherently safer system identified in an ISSA report to the greatest extent feasible and as soon as administratively practicable. If a stationary source concludes that implementation of an inherently safer system is not feasible, the stationary source shall document the basis for this conclusion in meaningful detail. The documentation shall include sufficient evidence to demonstrate to the department's satisfaction that implementing the inherently safer system is not feasible and the reasons for this conclusion. A claim that implementation of an inherently safer system is not feasible shall not be based solely on evidence of reduced profits or increased costs.

(j) Safeguard Protection Analysis.

(1) Effective September 30, 2014, a stationary source shall conduct a Layer of Protection Analysis or an alternative type of analysis approved by the department that uses a quantitative, qualitative or equivalent semi-quantitative method to determine the effectiveness of existing safeguards and safeguards recommended in a PHA to reduce the probability and/or severity of a catastrophic release. The safeguard protection analysis may be a standalone analysis or incorporated within a PHA.

(2) The stationary source shall complete the safeguard protection analysis no later than June 30, 2019. A safeguard protection analysis that was completed by a stationary source within five years prior to June 30, 2019, in accordance with the standards set forth in subsection (j)(1), will be deemed to comply with this requirement. The stationary source shall update and revalidate the safeguard protection analysis at least once every five years.

(3) All safeguard protection analyses shall be performed by a team with expertise in engineering and process operations. The team shall include at least one employee who has experience and knowledge specific to the safeguards and one member who is knowledgeable about the specific safeguard protection analysis method used.

(4) The stationary source shall prepare a written report that documents the safeguard protection analysis in accordance with the standard of practice applicable to the type of analysis conducted. The stationary source will complete the report within thirty days after the completion of the safeguard protection analysis and make the report available to the department during an audit or inspection and upon request.

(Ord. No. 2014-07, § V, 6-17-14; Ords. 2006-22 § 5, 2000-20 § 1, 98-48 § 2)

450-8.018 Review, audit and inspection.

(a) Upon submission of a safety plan by the stationary source, the department shall review the safety plan to determine if all the elements required by Section 450-8.016 are included and complete. The department shall provide to the stationary source a written notice of deficiencies, if any. The stationary source shall have sixty calendar days from receipt of the notice of deficiencies to make any corrections. The stationary source may request, in writing, a one-time thirty-day calendar day extension to correct deficiencies. By the end of the sixty calendar days or any extension period, the stationary source shall resubmit the revised safety plan to the department. After the department determines that the safety plan is complete, the department shall schedule a public meeting on the stationary source's safety plan to explain its contents to the public and take public comments. Public comments on the safety plan shall be taken by the department for a period of forty-five days after the safety plan is made available to the public. The department shall schedule a public meeting on the stationary source's safety plan during the forty-five day comment period. The public meetings shall be held in the affected community on evenings or weekends. The department shall respond in writing to all written comments received during the forty-five day comment period and to all oral comments received and not addressed at the public meeting. The department shall make portions of the safety plan, which are not protected trade secret information, available to the public for the public meeting.

(b) (1) The department shall, within one-year of the submission of the stationary source's safety plan, conduct an initial audit and inspection of the stationary source's safety program to determine compliance with this chapter. Based upon the department's review of the safety plan and the audit and inspection of the stationary source, the department may require modifications or additions to the safety plan submitted by the stationary source, or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. Any determination that modifications or additions to the safety plan or safety program are required shall be in writing, collectively referred to as the "preliminary determination." The preliminary determination shall explain the basis for the modifications or additions required to bring the safety plan or safety program into compliance with the requirements of this chapter and provide a timetable for resolution of the recommendations. The preliminary determination shall be mailed to the stationary source.

(2) The stationary source shall respond in writing to the preliminary determination issued by the department. The response shall state that the stationary source will incorporate into the safety plan or safety program the revisions contained in the preliminary determination or shall state that the stationary source rejects the revisions; in whole or in part. For each rejected revision, the stationary source shall explain the basis for rejecting such revision. Such explanation may include substitute revisions.

(3) The stationary source's written response to the department's preliminary determination shall be received by the department within ninety days of the issuance of the preliminary determination or such shorter time as the department specifies in the preliminary determination as being necessary to protect public health and safety. Prior to the written response being due and upon written request from the stationary source, the department may provide, in writing, additional time for the response to be received.

(4) After receiving the written response from the stationary source, the department shall issue a public notice pursuant to the department's public participation policy and make portions of the safety plan, the preliminary determination and the stationary source's responses, which are not protected trade secret information, available for public review. Public comments on the safety plan shall be taken by the department for a period of forty-five days after the safety plan, the preliminary determination and the stationary source's responses are made available to the public. The department shall schedule a public meeting on the stationary source's safety plan during the forty-five day comment period. The public meetings shall be held in the affected community on evenings or weekends. The department

shall respond in writing to all written comments received during the forty-five day comment period and to all oral comments received and not addressed at the public meeting.

(c) Based upon the department's preliminary determination, review of the stationary source's responses and review of public comments on the safety plan, the preliminary determination and the stationary source's responses, the department may require modifications or additions to the safety plan submitted by the stationary source or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. Any determination that modifications or additions to the safety plan or safety program are required, and any determination that no modifications or additions to the safety plan or safety program are required shall be in writing (collectively referred to as "final determination"), shall be mailed to the stationary source and shall be made available to the public. A copy of the final determination report will be sent to Cal/OSHA, EPA and the local fire department that has oversight of the stationary source. The department may not include in a final determination any requirements to a safety plan or safety program that would cause a violation of, or conflict with, any state or federal law or regulation or a violation of any permit or order issued by any state or federal agency.

(d) Within thirty days of the department's final determination, the stationary source and/or any person may appeal the final determination to the board of supervisors pursuant to Chapter 14-4 by a verified written notice of appeal filed with the clerk of the board of supervisors and payment of the applicable appeal fee. The appeal must be limited to issues raised during the public comment period. The notice shall state the grounds for any such appeal, including (i) the reasoning that the appeal is necessary because the stationary source is in compliance with this chapter, or (ii) the reasoning that the appeal is necessary to bring the stationary source into compliance with this chapter. In acting on the appeal, the board shall have the same authority over the final determination as the department. The board may require modifications or additions to the safety plan or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. The board may not include in its decision on the final determination any requirements to a safety plan or safety program that would cause a violation of, or conflict with, any state or federal law or regulation or a violation of any permit or order issued by any state or federal agency. The decision of the board of supervisors shall be final with respect to the final determination.

(e) The safety plan shall be valid for a period of three years from the date of receipt by the department and shall be reviewed and updated by the stationary source every three years pursuant to the requirements of this chapter. Any revisions to the safety plan as a result of the review and update shall be submitted to the department and shall be subject to the provisions of this section.

(f) The department may, within thirty days of a major chemical accident or release, initiate a safety inspection to review and audit the stationary source's compliance with the provisions of Section 450-8.016. The department shall review and audit the stationary source's compliance with the provisions of Section 450-8.016 at least once every three years. The department may audit the stationary source based upon any of the following criteria: accident history of the stationary source, accident history of other stationary sources in the same industry, quantity of regulated substances present at the stationary source, location of the stationary source and its proximity to the public and environmental receptors, the presence of specific regulated substances, the hazards identified in the safety plan, a plan for providing neutral and random oversight, or a complaint from the stationary source's employee(s) or their representative. The stationary source shall allow the department to conduct these inspections and audits. The department, at its option, may select an outside consultant to assist in conducting such inspection.

(g) Within thirty days of a major chemical accident or release the department may commence an incident safety inspection with respect to the process involved in the incident pursuant to the provisions of Section 450-8.016(c).

(h) (1) Based upon the department's audit, safety inspection or an incident inspection, the department may require modifications or additions to the safety plan submitted by the stationary source or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. Any

determination by the department shall be in writing and shall be mailed to the stationary source (referred to as the "notice of findings"). The stationary source shall have sixty calendar days from receipt of the notice of findings to make any corrections. The stationary source may request, in writing, a one-time thirty-day calendar day extension to make corrections. The department may not include in its notice of findings requirements to a safety plan or safety program that would cause a violation of, or conflict with, any state or federal law or regulation or a violation of any permit or order issued by any state or federal agency. The notice of findings made by the department will be available to the public.

(2) Within thirty days of the department's notice of findings, the stationary source and/or any person may appeal the notice of findings to the board of supervisors pursuant to Chapter 14-4 by a verified written notice of appeal filed with the clerk of the board of supervisors and payment of the applicable appeal fee. The appeal must state the grounds for any such appeal, including (i) the reasoning that the appeal is necessary because the stationary source is in compliance with this chapter, or (ii) the reasoning that the appeal is necessary to bring the stationary source into compliance with this chapter. In acting on the appeal, the board shall have the same authority over the notice of findings as the department. The board may require modifications or additions to the safety plan or safety program to bring the safety plan or safety program into compliance with the requirements of this chapter. The board may not include in its decision on the notice of findings any requirements to a safety plan or safety program that would cause a violation of, or conflict with, any state or federal law or regulation or a violation of any permit or order issued by any state or federal agency. The decision of the board of supervisors shall be final with respect to the notice of findings.

(i) Nothing in this section shall preclude, limit, or interfere in any way with the authority of the county to exercise its enforcement, investigatory, and information gathering authorities under any other provision of law nor shall anything in the chapter effect or diminish the rights of the stationary source to claim legal privileges such as attorney client privilege and/or work product with respect to information and/or documents required to be submitted to or reviewed by the department.

(Ord. No. 2014-07, § VI, 6-17-14; Ords. 2006-22 § 6, 98-48 § 2)

450-8.020 Trade secret.

The disclosure of any trade secret information required by this chapter shall be governed by California Health and Safety Code Section 25538, as amended from time to time, or as otherwise protected or required by law.

(Ord. 98-48 § 2)

450-8.022 Hazardous materials ombudsperson.

The department shall continue to employ an ombudsperson for hazardous materials programs. The ombudsperson will serve as a single point of contact for people who live or work in Contra Costa County regarding environmental health concerns, questions, and complaints about hazardous materials programs. The ombudsperson will be empowered to identify and solve problems and make recommendations to the department. The ombudsperson's role will be one of investigating concerns and complaints, facilitating their resolution and assisting people in gathering information about programs, procedures, or issues. The ombudsperson may retain appropriate technical experts in order to fulfill technical assistance requests from members of the public. The cost of experts may be funded through programs established by the U.S. EPA or other appropriate entities.

(Ords. 2000-20 § 2, 98-48 § 2)

450-8.024 Public information bank.

The department shall collect and provide ready access, including the use of electronic accessibility as reasonably available, to public documents which are relevant to the goals of this chapter, including at a minimum, business plan inventories and emergency response plans, risk management plans, safety plans, and department incident reports. This section shall not apply to trade secret information or other information protected from disclosure under federal or state law. The public information bank shall be completed by December 31, 2000.

(Ord. 98-48 § 2)

450-8.026 Fees.

The department may, upon a majority vote of the board of supervisors, adopt a schedule of fees to be collected from each stationary source subject to the requirements of this chapter. Any review, inspection, audit fee schedule shall be set in an amount sufficient to pay only those costs reasonably necessary to carry out the requirements of this chapter, including costs of staff and/or consultant time or public hearings and administrative overhead. The fee schedule shall include the cost of the ombudsperson position.

(Ord. 98-48 § 2)

450-8.028 Penalties.

Regardless of the availability of other civil or administrative remedies and procedures for enforcing this chapter, every act or condition prohibited or declared unlawful by this chapter, and every knowing or wilful failure or omission to act as required herein, is a violation of this code and shall be punishable and/or subject to enforcement pursuant to the provisions of Chapter 14-67 of the County Ordinance Code specifically including but not limited to Article 14-6.4 (public nuisance), and Article 14-8 (criminal enforcement), as misdemeanors or infractions.

(Ord. 98-48 § 2)

450-8.030 Annual performance review and evaluation.

(a) The department shall annually: (1) review its activities to implement this chapter, and (2) evaluate the effectiveness of this chapter in achieving its purpose and goals pursuant to Section 450-8.004.

(b) An annual performance review and evaluation report shall be prepared by the department based upon the previous fiscal year's activities and shall be submitted to the board of supervisors on or before October 31, 2000, and each year thereafter. The report shall contain:

(1) A brief description of how the department is meeting the requirements of this chapter as follows: (i) effectiveness of the department's program to ensure stationary source compliance with this chapter; (ii) effectiveness of the procedures for records management; (iii) number and type of audits and inspections conducted by the department pursuant to this chapter; (iv) number of root cause analyses and/or incident investigations conducted by the department; (v) the department's process for public participation; (vi) effectiveness of the public information bank, including status of electronic accessibility; (vii) effectiveness of the hazardous materials ombudsperson; (viii) other required program elements necessary to implement and manage this chapter.

(2) A listing of all stationary sources covered by this chapter, including for each: (i) the status of the stationary source's safety plan and program; (ii) a summary of all stationary source safety plan updates

and a listing of where the safety plans are publicly available; (iii) the annual accident history report submitted by the stationary source pursuant to Section 450-8.016(e)(2); (iv) a summary, including the status, of any root cause analyses conducted or being conducted by the stationary source and required by this chapter, including the status of implementation of recommendations; (v) a summary, including the status, of any audits, inspections, root cause analyses and/or incident investigations conducted or being conducted by the department pursuant to this chapter, including the status of implementation of recommendations; (vi) description of inherently safer systems implemented by the stationary source; (vii) legal enforcement actions initiated by the department, including administrative, civil, and criminal actions pursuant to this chapter; and (viii) process safety performance indicators reported by the stationary source as required under Section 450-8.016(a)(13)(D)(i).

(3) Total penalties assessed as a result of enforcement of this chapter.

(4) Total fees, service charges, and other assessments collected specifically for the support of this chapter.

(5) Total personnel and personnel years utilized by the jurisdiction to directly implement or administer this chapter.

(6) Comments from interested parties regarding the effectiveness of the local program that raise public safety issues.

(7) The impact of the chapter in improving industrial safety.

(c) The department shall provide a copy of the annual performance audit submission required by Title 19 Chapter 4.5 Section 2780.5 of the California Code of Regulations to the board of supervisors on or before October 31st of each year.

(Ord. No. 2014-07, § VII, 6-17-14; Ords. 2006-22 § 7, 98-48 § 2)

450-8.032 Construction.

Notwithstanding any other provision of this code and for the purposes of this chapter wherever it provides that the department shall act, such direction in all instances shall be deemed and is directory, discretionary and permissive and not mandatory.

(Ord. 98-48 § 2)

Division 460 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Chapter 460-2 PROHIBITION OF DISCRIMINATION

460-2.002 Purpose.

It is and has been the public policy of Contra Costa County, as reflected in the county's human relations commission ordinance (Title 2, Chapter 26-8 of this code), that all persons residing or visiting in the county may enjoy an equal opportunity to live, grow, learn, work, play, worship and exercise the responsibilities of citizenship unhampered by invidious discrimination, irrespective of their age, race, religion, color, sex, ancestry, national origin, handicap or sexual orientation. In furtherance of these principles and recognizing the unique concerns of the community regarding AIDS. Acquired Immune Deficiency Syndrome, the following chapter is adopted.

(Ord. 89-35 § 1)

460-2.004 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it shall be apparent from the context that they have a different meaning:

(1) "AIDS" means Acquired Immune Deficiency Syndrome (AIDS), AIDS-related conditions (ARC), or any other medical condition which persons are known to contract as a result of having AIDS or ARC.

(2) "A person who has AIDS or associated conditions" means anyone who has AIDS, as defined in subsection (a) of this section; anyone who has human immune deficiency virus (HIV) antibodies; anyone who may be perceived as having such a condition; anyone who is believed to be at risk of contracting such a condition; or anyone who is believed to associate with persons who have AIDS.

(3) "Business establishment" means any person or organization, which provides goods, services or accommodations to the general public; provided, however, that an otherwise qualifying business which has membership requirements shall be subject to this chapter if its membership requirements consist:

(A) Only of payment of fees; or

(B) Of requirements under which five percent or more of the residents of the county could qualify.

(4) "Employer" means any person regularly employing one or more persons, or any person acting as an agent of an employer, directly or indirectly.

(5) "Employment agency" means any person undertaking for compensation to procure employees or opportunities to work.

(6) "Labor organization" shall mean any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(7) "Person or anyone" means any natural person, firm, corporation, partnership or other organization, association or group.

(Ord. 89-35 § 1)

460-2.006 Employment.

(a) Unlawful Employment Practices. It shall be an unlawful employment practice for any person to do any of the following acts as a result of the fact, in whole or in part, that another person has AIDS or associated conditions, as that term is used in this chapter:

(1) By an employer: To fail or refuse to hire or to discharge any individual; to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion; or to limit, segregate or classify employees in any way which would deprive or tend to deprive any individuals of employment opportunities, or otherwise and adversely affect ~~his/her~~their status as an employee;

(2) By an employment agency: To fail or refuse to refer for employment any individual; or otherwise to discriminate against any individual;

(3) By a labor organization: To exclude or expel from its membership or to otherwise discriminate against any individual; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual from employment opportunities, or would limit such employment opportunities, or otherwise adversely affect ~~his/her~~their status as an employee or as an applicant for employment;

(4) By an employer, employment agency or labor organization:

(A) To discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining including any on-the-job training program,

(B) To print, publish, advertise or disseminate in any way, or cause to be printed, published, advertised or disseminated in any way, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training any such organization, which indicates an unlawful discriminatory act or preference.

(b) Affirmative Defenses. The following constitutes affirmative defenses in any unlawful employment practice described in this section:

(1) Nothing in this chapter shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification. A bona fide occupational qualification exists under this chapter where a defendant can demonstrate that the absence of AIDS as defined in Section 460-2.004(a) is reasonably necessary to the essence of the employer's business and that persons with AIDS as defined in Section 460-2.004(a) are unable to perform the duties of the position in question without risk of harm to themselves or others;

(2) Nothing in this chapter shall be deemed to prohibit selection, rejection or assignment where, because a~~of~~ person actually suffers from AIDS, ARC or a related medical condition as defined in Section 4602.004(a), ~~he/she~~ the person is unable to perform the person's~~his or her~~ duties, or cannot perform such duties in a manner which would not endanger ~~his or her~~ the employee's health or safety or the health and safety of others;

(3) Nothing in this chapter shall be deemed to prohibit selection or rejection where it can be demonstrated that the employer, employment agency or labor organization is unable to reasonably accommodate a person who suffers from AIDS, ARC or a related medical condition as defined in Section 460-2.004(a), without undue hardship on the conduct of the employer's business.

(Ord. 89-35 § 1)

460-2.008 Housing.

(a) Unlawful Housing Practices. It shall be unlawful for any person to do any of the following acts as a result of the fact, in whole or in part, that a person has AIDS or associated conditions as that term is defined in this chapter:

(1) To interrupt, terminate or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof; to require different terms for such transaction; or to falsely represent that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property any clause, condition or restriction, which would discriminate against a person who has AIDS;

(3) To refuse to lend money, guarantee the loans of money, accept a deed of trust or mortgage, or otherwise refuse to make available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property;

(4) To refuse or to restrict facilities, services, repairs or improvements for any tenant or lessees;

(5) To make, print, publish, advertise or disseminate in any way, or cause to be made, printed, published, advertised or disseminated in any way, any notices, statement or advertisement with respect to a transaction or proposed transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates preferences, limitation or discrimination based on the fact that a person has AIDS or related medical conditions.

(b) Exemptions.

(1) Owner Occupied. Nothing in this chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or any member or ~~his or her~~the owner's family occupies the same living unit in common with the prospective tenant.

(2) Effect on Other Laws. Nothing in this chapter shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

(c) Affirmative Defenses. The Health and Safety Exception set forth in Section 460-2.014 of this chapter shall constitute an affirmative defense in any action brought under this section.

(Ord. 89-35 § 1)

460-2.010 Business establishments.

(a) Unlawful Business Practice. It shall be an unlawful business practice for any person to deny any individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment including, but not limited to medical, dental, health care and convalescent services of any kind whatsoever, on the basis, in whole or in part, of the fact that such person has AIDS or associated conditions, as that term is defined in this chapter.

(b) Exceptions. Nothing in this section shall apply to any blood bank, blood donation facility, organ donation facility, sperm bank, sperm donation facility, surrogate mother or surrogate mother facility, or to any like service facility or establishment engaged in the exchange of products containing elements of blood or sperm.

(c) Affirmative Defenses. The Health and Safety Exception set forth in Section 460-2.014 of this chapter shall constitute an affirmative defense in any action brought under this section.

(Ord. 89-35 § 1)

460-2.012 County facilities and services.

(a) Unlawful Practices. It shall be an unlawful practice for any person to deny any person the full and equal enjoyment of, or to impose different terms and conditions on the availability of any of the following;

(1) Use of any county facility or service on the basis, in whole or in part, that a person has AIDS or associated conditions;

(2) Any service, program or facility, wholly or partially funded or otherwise supported by the county as a result of the fact, in whole or in part, that a person has AIDS or associated conditions.

(b) Affirmative Defenses. The Health and Safety Exception set forth in Section 460-2.014 of the chapter shall constitute an affirmative defense in any action brought under this section.

(Ord. 89-35 § 1)

460-2.014 Health and safety exception—Affirmative defenses.

(a) The affirmative defenses described herein shall be applicable to Sections 460-2.008 through 460-2.014 inclusive of this chapter. In any action brought under Sections 460-2.008 through 460-2.014 of this chapter, if a party asserts that an otherwise unlawful discriminatory practice is justified as necessary to protect the health or safety of a person who has AIDS or associated conditions or the health and safety of the general public, that party may establish a defense by proving:

(1) That the discriminatory act is necessary to avoid an actual risk to the person who has AIDS or associated conditions, or to others; or

(2) That the discriminatory act is necessary to avoid a danger to others significantly greater than that posed by persons without AIDS.

(b) Nothing in this chapter shall be construed to prohibit any act which is specifically authorized by the laws or regulations of the state of California or the United States government.

(Ord. 89-35 § 1)

460-2.016 Testing.

(a) Except as provided by law, no person shall require another to take any test or undergo any medical procedure designed to show or help to show that a person has AIDS or any of the associated conditions covered by this chapter.

(b) Subsection (a) does not apply to an employer who can show that the absence of AIDS is a bona fide occupational qualification.

(Ord. 89-35 § 1)

460-2.018 Association and nonretaliation.

(a) Association. It shall be unlawful for any person to do any of the acts described in this chapter as a result of the fact that a person associates with anyone who has AIDS or any of the associated conditions covered by this chapter.

(b) Nonretaliation. It shall be unlawful for any person to do any of the acts described in this chapter to retaliate against a person because that person exercises any rights afforded by this chapter.

(Ord. 89-35 § 1)

460-2.020 Liability.

Any person who violates any of the provisions of this chapter or who aids in the violation of any provisions of this chapter shall be liable for, and the court shall award to the individual whose rights are violated, actual damages except for pain and suffering, and up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars, and such attorney's fees as may be determined by the court in addition thereto.

(Ord. 89-35 § 1)

460-2.022 Enforcement.

(a) Mediation by Human Relations Commission. Any person who believes that ~~he or she has~~ they have been discriminated against in violation of the provisions of this chapter may file with the human relations commission a request to have the commission investigate and mediate the person's ~~his or her~~ complaint pursuant to procedures adopted by the commission.

(b) Civil Action. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.

(c) Injunction.

(1) Any person who commits, or proposes to commit, an act in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction.

(2) An action for injunction under this subsection may be brought by an aggrieved person or by any person who or entity which will fairly and adequately represent the interests of the protected class.

(d) Non-Exclusion. Nothing in this chapter shall preclude any aggrieved person from seeking any other remedy provided by law.

(e) Exception. Notwithstanding any provision of this code to the contrary, no criminal penalties shall attach for any violation of the provisions of this chapter.

(f) This chapter shall not be interpreted or implied so as to create any power or duty in conflict with the preemptive effectiveness of any federal or state law.

(Ord. 89-35 § 1)

460-2.024 Limitation of action.

Actions under this chapter must be filed within one year of the alleged discriminatory acts.

(Ord. 89-35 § 1)

460-2.026 Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable.

(Ord. 89-35 § 1

Title 5
GENERAL WELFARE AND BUSINESS REGULATIONS

Division 51 GENERAL

Chapter 51-4 VIOLATIONS

Article 51-4.4 General

51-4.404 Most violations are infractions.

Notwithstanding Section 14-8.002 of this code, violations of this Title 5 are misdemeanors, except violations of Chapter 54-10 (Rewards), Chapter 54-14 (Open Alcohol Containers), and Division 58 (CATV Systems), which are infractions.

(Ords. 85-42 § 1, 76-51 § 2).

Division 52 AMUSEMENTS

*Chapter 52-2 GAMBLING**

* For the statutory provisions regarding gaming, see Pen. C. § 330 ff.

Article 52-2.2 General

52-2.204 Visiting gambling premises where violations occur.

No person shall remain in any place whether public, private, open, or closed, where violations of any of the gaming prohibitions in Chapters 9, 10, and 10.5 of Title 9 of Part 1 of the California Penal Code (Sections 319 ff, 330 ff, and 337.1 ff) or in Chapters 52-2, 52-3, and 52-4 are occurring, with knowledge thereof.

(Ord. 82-44; prior code § 5217: Ord. 67-23).

Article 52-2.3 Bingo

52-2.302 Limited authorization.

Bingo games are allowed pursuant to and as restricted by Section 19(c) of Article IV of the California Constitution, California Penal Code Section 326.5 (including future amendments thereto), and the provisions of this article.

(Ord. 76-73 § 1 (part)).

52-2.304 Penal Code § 326.5 incorporated.

The provisions of Penal Code Section 326.5 (including future amendments) are incorporated in this article by this reference; and "charitable organization" in this article means an organization referred to therein.

(Ord. 76-73 § 1 (part)).

52-2.306 License required.

(a) No charitable organization shall conduct a bingo game without a currently valid, unrevoked, unsuspended license as provided for by this article.

(b) No person shall promote, supervise, operate, conduct, or staff any bingo game, or participate in such activity, unless the person ~~he~~ is a member of a charitable organization which is lawfully licensed to do so and which has designated the person ~~him~~ to do so and the person ~~he~~ is designated in its license to do so.

(Ord. 76-73 § 1 (part)).

52-2.308 Application.

(a) The application for a license to conduct bingo games shall be made to the sheriff on forms provided by ~~his~~ the sheriff's office.

(b) The application shall include the following information:

(1) The name, address, date and place of birth, physical description and driver's license number of every officer of the charitable organization;

(2) The name, address, date and place of birth, physical description and driver's license number of not more than twenty members to be authorized to operate bingo games on behalf of the organization;

(3) The date(s) and location(s) of the proposed bingo game(s);

(4) Proof that the organization is a charitable organization as defined by Penal Code § 326.5(a);

(5) The application or renewal fee.

(Ord. 76-73 § 1 (part)).

52-2.310 Term of license and fees.

(a) A bingo license shall be valid for one year and upon application may be renewed on a yearly basis.

(b) The fee for a bingo license shall be fifty dollars. The fee for renewal shall be ten dollars. The fees are nonrefundable and shall be used to defray the cost of issuing or renewing the license, but when a license or renewal is denied, one-half the fee shall be refunded. (Ords. 77-69, 76-73 § 1 (part)).

52-2.312 Investigation.

Upon receiving a completed application with fee, the sheriff may investigate to determine whether the license should be issued.

(Ord. 76-73 § 1 (part)).

52-2.314 Issuance or denial.

Within fourteen days after receipt of a completed application, the sheriff shall either issue the license or deny it in writing with the sheriff's ~~his~~ reasons therefor.

(Ord. 76-73 §1 (part)).

52-2.316 Revocation.

The sheriff may suspend or revoke a license for any violation of the provisions of this article or of any applicable law or regulation, or for any false, misleading or fraudulent statement of a material fact in the application for the license, or in the promotion, supervision, operation, conduct or staffing of any bingo game.

(Ord. 76-73 § 1 (part)).

52-2.318 Notice of intent and show-cause hearing.

If the sheriff determines that a bingo license should be suspended or revoked, ~~he~~ the sheriff shall serve on the licensee a notice of ~~his~~ intent to suspend or revoke with ~~his~~ the sheriff's reasons therefor. The notice shall provide for a suspension or revocation of the license seven days after service of the notice upon the licensee, unless the licensee arranges to appear at a hearing before the sheriff and show cause why such action should not be taken.

(Ord. 76-73 § 1 (part)).

52-2.320 Summary suspension or revocation.

(a) The sheriff may immediately suspend or revoke a bingo license upon the licensee's refusal to:

(1) Permit the entry of any peace officer to investigate the conduct of a bingo game; or

(2) Permit the sheriff to review or audit the charitable organization's records relating to the conduct of bingo games under the license and to the special account required by Penal Code § 326.5(j).

(b) Upon taking such action, the sheriff shall within forty-eight hours serve on the licensee a written statement of the reasons for this action, and schedule a show-cause hearing on reinstatement of the license within five days of a request to do so by the licensee. (Ord. 76-73 § 1 (part)).

52-2.322 Decision.

The sheriff shall issue ~~his~~ the sheriff's written decision within seven days after the conclusion of a show-cause hearing.

(Ord. 76-73 § 1 (part)).

52-2.324 Appeal.

Appeals from action taken hereunder shall be governed by Chapter 14-4.

(Ord. 76-73 § 1 (part)).

52-2.326 License not transferable.

Each license shall be issued to a specific charitable organization authorizing not more than twenty named members to conduct a bingo game on its behalf at one or more name locations. This license is not transferable from one organization to another, from one member to another, or from one location to another. The license is only a temporary and nontransferable permit to act within the provisions of this article and all other applicable laws and regulations, and always expires no later than one year from its date. It has no validity when it has been seized, suspended, or revoked by the sheriff. Any attempt to transfer, assign, pledge, mortgage or hypothecate the license, or to attach or execute on it, immediately and permanently voids it.

(Ord. 76-73 § 1 (part)).

52-2.328 License displayed.

The license shall be prominently displayed at the authorized location(s) during the game(s).

(Ord. 76-73 § 1 (part)).

52-2.330 Hours.

No bingo games shall be conducted between the hours of two a.m. and nine a.m.

(Ord. 76-73 § 1 (part)).

52-2.332 Consent.

The application for or acceptance of a license constitutes:

(1) Consent to the entry of any peace officer(s) to investigate the location(s) identified in the application, before the issuance of a license as well as during any game(s) thereafter;

(2) Consent to the sheriff or the sheriff's ~~his~~ agents reviewing or auditing the charitable organization's records relating to the conduct of bingo games and to the special account required by Penal Code § 326.5(j), for the purpose of verifying compliance with the financial interest and special fund requirements of Penal Code § 326.5 and with this article and all other applicable laws and regulations.

(Ord. 76-73 § 1 (part)).

Chapter 52-3 CARDROOMS

Article 52-3.1. General

52-3.101 Recodification.

This chapter recodifies in amended form the existing provisions on these matters (with some additions); permits and licenses thereunder continue in effect hereunder by virtue only of this clause. Such continuing permits and licenses expire when they would originally have expired, subject to the restrictions and requirements of this chapter, and in no event are they valid beyond the first anniversary of the effective date of this chapter.

(Ord. 82-44, § 52-3.113, § 52-3.323, & Gov C. § 9606).

52-3.103 Definition—Cardroom.

As used in this chapter, "cardroom" means any room, enclosure or space with a table used or available for use by any member(s) of the public for playing cards or similar games.

(Ords. 82-44, 1458: prior code § 5201).

52-3.105 Valid license/permit.

As used in this chapter, "valid license," "valid cardroom license," "valid permit," and "valid work permit" mean cardroom licenses and cardroom work permits regulated by this chapter which are currently and wholly valid, unexpired, unrevoked and unsuspended, and which have had all applications and disclosures fully and truthfully made and kept up to date and all fees paid, and the licensees and permittees of which are not violating any provisions of this chapter.

(Ord. 82-44, see § 52.3.319 (c)).

52-3.107 Prohibited types of gambling.

(a) Games. Except for draw poker, lowball, panguingue, Texas Hold'em, and double-handed poker (also known as pai gow poker), and other games not violative of California law and specially approved in writing and in advance by the sheriff, or, after appeal, by the board, played in a cardroom licensed under this chapter and otherwise fully complying with this chapter, ordinance code and law, no person shall deal, play, carry on, open or cause to be opened, conduct or bet at or against any lottery or game not prohibited by state law, with cards, dice, or any device, for money, checks, credit, or other representative of value.

(b) Procedure for Game Approval. Any cardroom licensee seeking approval of a game not expressly named in subsection (a) of this section may submit an application to the sheriff. The application shall be in a form acceptable to the sheriff, but shall include the name of the proposed game and a detailed description of how the game is played. The application shall be accompanied by an application fee of five hundred dollars. The sheriff shall review and investigate the application to determine if the game is not violative of California law. The review and investigation shall be completed within ten business days of the submittal of the application, unless the sheriff notifies the applicant in writing before the expiration of the ten business days that an additional period or periods is necessary to complete the review and application. If the game is determined to be not violative of California law, the sheriff shall so notify the applicant in writing. Play of the game in the applicant's cardroom is permitted upon the applicant's receipt of the sheriff's written notice. If the game is violative of California law, the sheriff shall so notify the applicant in writing, setting forth the grounds and any legal authorities in support of that conclusion.

(c) Appeal. Appeals are governed by Chapter 14-4.

(Ords. 95-61; Ords. 82-44, 77-113, 1458: § 52-2.202: prior code § 5200; Ords. 1317, 724, 142, 138, 43, 42, 41).

52-3.109 No violation of statute.

This chapter does not allow the licensing of any cardroom for the playing of any game prohibited by California statute, and any such play violates any license or permit issued hereunder.

(Ords. 82-44, 1458: § 52-2.402: prior code § 5215).

52-3.111 Violations of chapter.

(a) Licensee. No person shall, for themself ~~himself~~ or any other person, own, lease, operate, or maintain a cardroom unless ~~he~~ the person has a valid license therefor.

(b) Worker. No person who has or should have a cardroom license shall allow any other person to commit acts contrary to subsection (c) of this section or subsection (d) of Section 52-3.505.

(c) Work Permits. No person without a valid cardroom work permit shall act as a cardroom employee.

(Ords. 82-44, 1458: §§ 52-2.404, 52-2.602: prior code §§ 5202, 5207).

52-3.113 No vested right.

Even a valid cardroom license or work permit creates no vested property or personal right for the licensee or permittee, and is entirely subject to this chapter and to ordinances and California law affecting the license or permit from time to time, including new restrictions, conditions, fees, and duration of license or permit validity. Any change required by this chapter to be noted on the license, permit, or application, or noted in required supplementary information, constitutes a termination of the license or permit except for the purposes of Section 52-3.905 and of paying fees.

(Ords. 98-28, 82-44: see also § 52-3.105: see Gov. C. § 9606).

52-3.115 Nonprofit groups exempt.

The board may partly or wholly exempt any nonprofit society, club, fraternal, labor or other nonprofit organization that has members, bylaws, and duly elected directors and that applies for exemption from compliance with this chapter, if the board finds that the cardroom is for the exclusive use of the members and that no charge is made therefor.

(Ords. 82-44, 1458: § 52-2.418 prior code § 5214).

52-3.117 Number of cardroom licenses.

The number of cardroom licenses shall not exceed the number by which the population of the unincorporated area of the county (as determined by the board) is divisible by twenty thousand; but no valid license shall be invalidated by a decrease in that ratio.

(Ords. 82-44, 73-84: § 52-2.620).

Article 52-3.3. Cardroom Licenses

52-3.301 Cardroom owners.

(a) The owner of a cardroom shall apply for and obtain a cardroom license pursuant to this chapter.

(b) If the cardroom owner is one or more natural persons, each person who is a cardroom owner must individually apply for and obtain a cardroom license.

(c) If the owner is a corporation, each of the following must individually apply for and obtain a cardroom license: every officer, director, and shareholder, other than a holding or intermediary company, of the corporation who is required to apply for and obtain a state gaming license.

(d) If the owner is a partnership, each of the following must individually apply for and obtain a cardroom license: every general and limited partner of, and every trustee or person, other than a holding or intermediary company, having or acquiring a direct or beneficial interest in that partnership.

(e) If the owner is a trust, each of the following must individually apply for and obtain a cardroom license: the trustee and, in the discretion of the sheriff, any beneficiary and the trustor of the trust.

(f) If the owner is a business organization other than a corporation, partnership, or trust, then all those persons as the sheriff may require, must individually apply for and obtain a cardroom license.

(g) Each person who receives, or is to receive, any percentage share of the revenue earned by the owner from gambling activities must individually apply for and obtain a cardroom license.

(h) Every employee, agent, guardian, personal representative, lender, or holder of indebtedness of the owner who, in the judgment of the sheriff, has the power to exercise a significant influence over the gambling operation must individually apply for and obtain a cardroom license.

(i) A cardroom will not be permitted to operate if any individual who is required to obtain a cardroom license pursuant to this chapter does not have one or is not in the process of obtaining one.

(j) A cardroom licensee shall notify the sheriff of any change in cardroom ownership or other event that requires another person to obtain a license under this chapter. The licensee must notify the sheriff in writing of the event and the name of the person who is required to obtain a license within ten days after the event occurs. The person who is required to obtain a license must apply for the license within thirty days after the event occurs.

(Ord. No. 2017-18, § II, 8-8-17; Ord. No. 2008-14 § 2; Ord. No. 82-44)

52-3.303 Application.

Every applicant for a new or renewed license shall sign and verify the written application to the sheriff. Any application, not yet finally acted on by the first anniversary of its filing with the sheriff, expires.

(Ords. 82-44, 76-67 § 2, 1779, 1506, 1464, 1458: § 52-2.604: prior code § 5203).

52-3.305 Contents.

The application shall contain the following information on the applicant(s) and all persons financially interested in the business, including those who share in the earnings or profits and all creditors and mortgagees:

(1) True names and addresses;

(2) Criminal records, if any, including convictions;

(3) Fingerprints and photographs;

(4) A complete description and/or layout of all proposed security measures, both physical and operational, with respect to providing for the safety and security of persons in and around the cardroom;

(5) The status of and a copy of any state gambling license held by the applicant, and the status of and a copy of any new application or renewal application by the applicant for a state gambling license; and

(6) Any other information required by the sheriff for ~~his~~ the sheriff's investigation.

(Ords. 98-28, 82-44, 76-67 § 2, 1779, 1506, 1464, 1458: § 52-2.604: prior code § 5203).

52-3.307 Applications fee.

(a) New Applications. An application fee in the amount of ten thousand dollars shall accompany any new application for a cardroom license. Such fee shall be nonrefundable. A deposit is also required under Section 52-3.320 (b).

(b) Renewal Applications. A renewal application fee in the amount of five hundred dollars shall accompany any renewal application for a cardroom license. Such fee shall be nonrefundable.

(Ords. 95-61, 82-44, 76-67 § 2, 1779, 1506, 1464, 1458: § 52-2.604: prior code § 5203).

52-3.309 Sheriff investigates.

The sheriff shall investigate the application and report thereon to the board, including a recommendation for approval or disapproval of the application, with reasons.

(Ords. 95-61, 82-44, 1779, 1464, 1458: § 52-2.606: prior code § 5204).

52-3.311 Notice of hearing.

(a) Set Hearing. The sheriff shall arrange for a hearing on the application before the board.

(b) Notice. The sheriff shall notify the applicant and the public concerning the application, the games played as regulated by ordinance, and the time and place of the board's public hearing before the board for interested persons to protest the issuance of the license.

(c) Posting. For ten days before the hearing, the sheriff shall have a copy of this notice posted conspicuously in front of the proposed premises, and two additional copies posted conspicuously within five hundred feet of the premises.

(Ords. 82-44, 1779, 1547: § 52-2.608: prior code § 5204.3).

52-3.313 Hearing.

(a) General. At the hearing the board shall consider the sheriff's report and any other evidence presented concerning the proposed license.

(b) Applicant's Burden. The applicant has the burden of overcoming any adverse recommendations in the sheriff's report and of presenting all evidence needed to sustain the board's findings in approving the license.

(Ords. 82-44, 1861, 1508: § 52-2.612(a): prior code § 5205).

52-3.315 Findings.

The board may approve the application, and order the sheriff to grant the license, only if it finds these facts to be true:

(1) That the applicant and all persons financially interested in the cardroom are of good moral character and that none has been convicted of a felony, or of a misdemeanor involving theft or fraud or other dishonesty;

(2) That the premises are not near a school or playground, or recreational facility frequented by minors, and that the cardroom will not be detrimental to the welfare of minors;

(3) That the design or location of the proposed cardroom will not hinder law enforcement officials in surveillance of cardroom activities, or in enforcement of this chapter or of state laws regulating gambling;

(4) That the proposed cardroom will conform with the character of other land uses in the vicinity and will not be detrimental to the health, safety, and general welfare of, or create a nuisance or law enforcement problems within, the neighborhood or community;

(5) That the applicant holds a valid and current state gambling license;

(6) That the applicant has made provision for the safety and security of persons in and around the cardroom;

(7) That all applicable zoning and land use requirements of this code have been satisfied; and

(8) That all requirements of this chapter have been satisfied.

(Ords. 98-28, 82-44, 1861, 1508: § 52-2.612(a): prior code § 5205).

52-3.317 Conditions.

The board may require that the license be conditioned, as necessary to effectuate this chapter or the public health and safety, including, but not limited to, conditions as to:

(1) Location, design, and lighting of cardroom, and number of tables;

(2) Hours of operation;

(3) Parking location, design and conditions;

(4) Related business on the premises; and

(5) The safety and security of persons in and around the cardroom.

(Ords. 98-28, 82-44, 1861, 1508: § 52-2.612(b): prior code § 5205: see also § 52-3.505 ff).

52-3.319 License.

(a) Certificate. If the board approves the application and orders that the sheriff issue a license, and the applicant has paid all applicable fees, the sheriff shall issue the applicant a certificate of the license, suitable for display. The applicant shall conspicuously display this in the cardroom at all times. Should the board order it, an approved new license shall not be effective and operational until approved by the involved electorate.

(b) Duration. The license is effective until revoked or suspended or until the licensee fails to have it renewed.

(c) Disuse Voids. A license becomes void upon a three hundred-day absence or suspension of operations allowed by it, regardless of the reason therefor; except that the board may, during the three hundred days or extension(s), extend the time by increments of not more than one hundred more days for good cause shown.

(Ords. 95-61, 82-62 § 1, 82-44, 76-67 § 2, 1779, 1506, 1464: § 52-2.616, § 52-2.618(a); prior code § 5205.5, 5206).

52-3.320 Fees.

(a) Payments.

(1) Each licensee, licensed pursuant to the provisions of this chapter, shall pay to the county thirteen and one-half percent of the total monthly gross revenue of the cardroom so licensed. Payment for any

calendar month shall be made on or before the 15th day of the succeeding calendar month. "Gross revenue" means and includes the total amounts received from any and all revenue derived from cardroom activities licensed pursuant to this chapter and conducted on or within the premises.

(2) For a licensee of an existing and operational cardroom in effect before December 30, 1995, the annual cardroom license fee paid to the county shall be limited to five hundred dollars per table. If a cardroom existing and operational before December 30, 1995 thereafter substantially enlarges cardroom operations, within county limits on cardrooms, by adding more than fifty percent additional tables or square footage to the cardroom activities area, and the sheriff determines that a substantial enlargement has occurred, the fees for cardrooms commencing on or after December 30, 1995 shall apply.

(b) Deposit. In the case of a new applicant, a deposit for the first six months' license fee in the amount of sixty thousand dollars shall be paid in advance to the county upon issuance of the license. The sum of ten thousand dollars shall be credited each month against the payment due under subsection (a) of this section. The advance license fees shall become the absolute property of the county and shall not be refunded and shall not be prorated in any manner whatsoever, and in the event of the cessation of such cardroom, whether voluntary or involuntary, no refund of the advance fees shall be made.

(c) Subsequent Payments. Following the first twelve months of operation, regardless of the total monthly gross revenue, the minimum monthly amount paid by licensee to the county shall be at least one hundred thousand dollars.

(d) Tournaments. In the event any tournament is held at the cardroom, licensee shall pay to the county ten percent of the total entry fees in addition to the total monthly fee specified herein.

(e) Noncardroom Business. For any noncardroom business operation owned by the licensee and on the premises, including, but not limited to, food and beverage service or rental of facilities, licensee shall pay to the county any and all applicable business license taxes pursuant to Section 64-14.202 et seq., as may be adjusted or amended.

(f) Monthly Reports. Each licensee shall file with the county, before the 15th day of each calendar month, a reporting form under penalty of perjury and approved by the county showing the true and correct amount of gross revenue derived from the licensed cardroom for the preceding calendar month. Such statement shall be accompanied by payment of the correct amount of license fee due and owing in accordance with this section. Such sums correctly reflecting the fees payable for the preceding month shall be accepted by the county, subject, however, to the future right of the county to audit the matters referred to in any such statement and to determine the correctness of the figures and the amounts payable to the county pursuant to the provisions of subsections (g) and (h) of this section.

(g) Accountant Review. Licensee shall arrange, at licensee's own expense, on an annual basis, for a certified public accountant approved by the county to audit the books, documents, records and accounts relating to the gross revenue of the licensee at the end of the licensee's fiscal year. The report of such accountant and all work papers utilized in the preparation of such audit shall be submitted to the county. The county shall review the report and work papers and may require any further information from the licensee. The county may submit such documents and information to a second certified public accountant for review. The expense of such second review shall be shared equally between the county and licensee.

(h) Audits. In addition to the annual audit required in subsection (g) of this section, the books, records and accounts of any cardroom may be audited by the county at any time. Upon request of the county, the licensee shall provide to the county copies of licensee's tax returns, which shall be kept confidential and shall not be disclosed other than as necessary to carry out the purposes of this section. In the event a county-conducted audit discloses an underpayment to the county in excess of two percent in any one month, the full cost of the audit shall be borne by the licensee. Any information obtained pursuant to the provisions of

this section or any statement filed by the licensee shall be deemed confidential and shall not be subject to public inspection unless otherwise required.

(i) Failures. Any failure or refusal of licensee to timely make and file any required statements, or to pay any such fees when the same are due and payable in accordance with the provisions of this chapter, or to permit inspections of such books, records and accounts of such licensee, shall constitute full and sufficient grounds to revoke or suspend the license as provided in this chapter. Penalties for late payment shall be imposed as follows by the county: a twenty-five percent penalty for an annual license fee which is not paid within thirty days of the due date; and, any person who fails to pay any other license fee within thirty days of the due date shall pay interest at the rate of one and one-half percent per month, or fraction thereof, on the amount of the fees and penalties from the date on which the license fee is delinquent until paid.

(j) Legal Remedies. The amount of any licensee fee, penalties and interest imposed by the provisions of this chapter shall be deemed a civil debt to the county. The county may pursue any legal remedies against licensee for the collection of any delinquent license fee, penalties, interest, liens, and all administrative costs incurred in connection therewith, including attorneys' fees.

(k) No Refunds. Any and all fees paid by the applicant and/or licensee shall become the absolute property of the county and shall not be refunded to any such applicant and/or licensee whether or not such license is issued, and such fees shall not be prorated in any manner whatsoever, and in the event of the cessation of such cardroom, whether voluntary or involuntary, no refund of the advance fees shall be made whatsoever.

(l) Different Rates. The board may specify a different rate for any of the fees imposed under this chapter if it finds that doing so is necessary to be competitive with other jurisdictions or to be consistent with current practices in other jurisdictions where cardrooms operate.

(m) Except as otherwise provided, the provisions in this section shall be administered by the county department designated by the county administrator.

(n) Notwithstanding any other provision of this chapter and except subsections (a)(2), (e), (i), (j), (l) and (m), this section does not apply, even upon a transfer or renewal of a license, to a licensed cardroom existing and operational before December 30, 1995, unless the cardroom's operations are substantially enlarged on or after December 30, 1995.

(Ords. 98-28, 95-61, 82-62 § 1, 82-44, 76-67 § 2, 1779, 1506, 1464: § 52-2.616, § 52-2.618(a): prior code § 5205.5, 5206).

52-3.321 Renewal.

(a) The sheriff shall notify each licensee at least seventy days before the license expiration date.

(b) Nevertheless, a licensee desiring to have ~~his~~ the licensee's license renewed, shall apply therefor sufficiently (at least sixty days) in advance of its expiration date (anniversary of issuance) to allow its processing as a new application before the expiration of the license sought to be renewed. A renewal application shall otherwise be handled with the same processing, fees, approval, or disapproval, etc., as if it were a wholly new application.

(c) Form and Procedure.

(1) The sheriff shall provide a form of verified application or designate such information as the sheriff~~he~~ requires, which can be in the form of a verified statement that there has been no change (or only specified changes) in the latest information in the sheriff's file.

(2) The renewal application shall be processed as an original application, but the sheriff may omit or simplify procedures the sheriff ~~he~~ deems unnecessary in each case, such as posting notices in the

neighborhood. The sheriff shall recommend renewal or nonrenewal to the board, and shall schedule a hearing thereon before the board only if important evidence needs to be presented thereat; and the board shall order the renewal or nonrenewal.

(3) Renewal is considered normal in the absence of complaints about deviations from the provisions of this chapter involving the cardroom, licensee, or anyone associated with its business or operation. If the board approves the renewal, the sheriff shall note on the license certificate that it is a renewal. A renewed license is otherwise subject to all the provisions of this chapter concerning cardroom licenses, and may itself be renewed.

(Ords. 82-62 § 2, 82-44, 1861, 1508: § 52-2.612(c): prior code § 5202(c)).

52-3.323 Transfer.

(a) General. The board may allow a cardroom license that has been continuously valid since January 1, 1976, to be transferred to another licensee. This transferability is entirely subject to the sheriff's prior approval (as to all the requirements of this chapter) of the transferee as though ~~he~~ the transferee were a new applicant; it does not create any right in any license (as either a prospective transferor or prospective transferee) which can be reached by or transferred or assigned to a creditor, spouse, heir, or otherwise, but is at most a mere contingent expectancy wholly dependent on prior official approval and on compliance with all the requirements of this chapter (including future amendments).

(b) Procedure. An application for transfer shall follow the procedure for other license applications, including the application fee, investigation, report, notice, hearing, findings and conditions.

(c) New License; Fee. If the transfer is approved, the new license is for the remainder of the one-year life of the former license, and no license fee is due but a transfer fee of one thousand dollars is payable before the new license issues.

(d) Transfer Defined. "Transfer" means any change required by this chapter in the information on the application or license or in any other disclosure, concerning the identity of any licensee (except name changes caused by marriage or dissolution) or the location ownership or character of the premises. It includes the addition of one or more names to the license, whether or not already named licensee(s) remain(s).

(Ords. 82-44, 76-67 §§ 1, 2, 1779, 1506, 1458: § 52-2.414, § 52-2.68: prior code §§ 5206, 5212: C.C. Opns. 77-16, 77-109).

Article 52-3.5. Cardroom Restrictions

52-3.501 General.

The rules in this article apply to all present and future cardrooms and cardroom licenses and licensees, whether or not recited in the licenses, except those partly or wholly exempted under Section 52-3.115.

(Ords. 98-28, 82-44).

52-3.503 Not near city which forbids.

(a) Prohibition. No person shall do anything allowed, regulated or prohibited by this chapter, within one-half mile outside the then boundaries of any city which then prohibits such acts.

(b) Exemptions. The board may prospectively grant exemptions from subsection (a) of this section if, upon written application therefor and a hearing thereon (after reasonable notice to the city and the neighborhood), the board finds that the exemption will not be materially detrimental to the public welfare and imposes such conditions as will further this purpose.

(Ords. 82-44, 69-61, 1458: § 52-2.422: prior code § 5216: C.C. Opns. 66-56).

52-3.505 Operations.

(a) Deposit Winnings. The licensee shall have a check issued to any player so requesting in exchange for ~~his~~ the player's winnings no later than the next banking day, but the player may instead in writing require the licensee to keep the player's winnings for the player ~~him or her~~ for an agreed reasonable time.

(b) Extension of Credit. The licensee may extend credit for gambling purposes to any player.

(c) Hours of Operation; Alcoholic Beverages Restrictions. Cardrooms may be open twenty-four hours a day, seven days a week. No alcoholic beverages may be served or consumed at a cardroom between two a.m. and six a.m. The licensee shall conspicuously display signs in the cardroom stating these matters.

(d) Wagering Limits. No more than "table stakes" shall be allowed in any game at any cardroom. "Table stakes" means that no wager in any hand shall exceed the amount that the player has in front of the player ~~him or her~~ at the start of the hand. The licensee shall conspicuously display signs in the cardroom stating that no more than table stakes shall be allowed in any game. If further limits on wagering apply to any table, the licensee shall conspicuously display a sign at or next to the table stating the further wagering limits.

(e) Licensee Responsible. The licensee is responsible that the operation and playing are strictly in accordance with state law and this chapter.

(f) Name Badges. Every person who has or should have a work permit or a cardroom license shall, while at the card tables, always wear at about chest height on the outermost garment an identification badge in a form approved by the sheriff, always plainly readable and in good condition.

(g) Signs. The licensee shall post one or more signs, plainly visible throughout the cardroom, stating as many of the regulations of this chapter as the sheriff may require.

(h) Every cardroom must be open to official inspection at all times for purposes enforcing this chapter.

(i) Every cardroom licensee shall, within seventy-two hours of the effective date of the ordinance codified in this section, file with the sheriff a written list stating the name and cardroom work permit number of every cardroom employee employed at each licensed premises. During the first week of February, June, and October of each year, the licensee shall notify the sheriff in writing of the name and cardroom work permit number of each cardroom employee employed or terminated at each licensed premises during any portion of the previous four months.

(Ords. 2008-29 § 2, 2008-14, 98-28, 89-34, 82-44, 1506, 1548: § 52-2.416 in part: prior code § 5213).

(Ord. No. 2008-29, § II, 11-4-08)

52-3.507 No minors or drunks as players.

No person under age twenty-one or intoxicated by alcohol and/or drug(s) shall be allowed to play at any card table or to remain in any cardroom.

(Ords. 95-61, 82-44, 1506, 1458: § 52-416 in part; prior code § 5213).

52-3.509 Location, tables.

(a) One Cardroom. Only one cardroom may be located at one address or in one premises.

(b) Location. The layout of the cardroom may not hinder law enforcement officials in surveillance of cardroom activities or in enforcement of this chapter or state law regulating gambling.

(c) Tables. No cardroom shall have more than nineteen tables.

(Ords. 98-28, 82-44, 1506, 1458: § 52-2.416 in part: prior code § 5213).

(Ord. No. 2009-31, § II, 11-10-09)

52-3.511 Safety and security.

Pursuant to Business and Professions Code Section 19851(a)(2), each licensee shall be responsible for patron security and safety in and around the cardroom. As to cardroom operations, each licensee shall maintain comprehensive liability coverage for damages due to bodily injury, sickness or disease, or death to any person, and damage to property, including the loss thereof, arising out of each accident or occurrence. Each licensee shall furnish the county evidence of such insurance coverage. The sheriff may require a licensee to take additional safety and security steps, including, but not limited to, the use of security guards, increased lighting, and decreased hours of operation.

(Ord. 98-28).

Article 52-3.7. Work Permits

52-3.701 Definition—Employee.

For the purposes of this chapter, a "cardroom employee" is any person (1) who is connected with the operation or supervision of a cardroom or card table as a dealer or otherwise, except as a licensee, or as a member of the public lawfully playing or watching play thereat, (2) whose connection is for or with the person(s) who is or should be licensed to operate the cardroom, and (3) whose such activities are or are not volunteer, unpaid, or wholly, partly, regularly, or irregularly paid for or rewarded by cash, or other benefit, including being allowed to play free or at reduced rates; but is not any person whose such connection or activities are primarily to prepare, serve, clear away or clean beverages or foods, or to perform maintenance or custodial services.

(Ords. 82-44, 1458: § 52-2.404: prior code § 5207).

52-3.703 Application.

(a) An application to receive a work permit constitutes a request for a determination of the applicant's general character, integrity, and ability to participate in, engage in, or be associated with, controlled gambling.

(b) An applicant for a cardroom work permit must be a natural person who shall submit ~~his or her~~a verified written application to the sheriff, which application shall include:

(1) The applicant's criminal record, if any, including convictions;

(2) The applicant's photograph;

(3) The applicant's fingerprints;

(4) Any other information that the sheriff may deem necessary to determine whether a work permit should be issued.

(c) The burden of proving the applicant's ~~his or her~~ qualifications to receive a permit is on the applicant.

(d) Fee. The applicant shall pay a fee of fifty dollars.

(e) State Notification. Upon receipt of a written application for a work permit, the sheriff shall notify the state of the application. No work permit shall be issued if the state informs the sheriff that it has an objection to the issuance of a work permit.

(Ords. 2005-07 § 1, 98-28, 95-61, 82-44, 76-67, 1779, 1506, 1458: § 52-2.406: prior code § 5208).

52-3.707 Action.

(a) Cause. The sheriff shall deny the initial or renewed application if, after an investigation, the sheriff concludes that the applicant is disqualified for any of the following reasons:

(1) Failure of the applicant to clearly establish eligibility and qualifications in accordance with this chapter;

(2) Failure of the applicant to provide information, documentation, and assurances required by this chapter or requested by the sheriff, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to any fact material to qualification;

(3) Conviction of a felony, including a conviction by a federal court or a court in another state for a crime that would constitute a felony if committed in California;

(4) Conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the ten-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Sections 1203.4, 1203.4a, or 1203.45 of the Penal Code; provided, however, that the granting of relief pursuant to Sections 1203.4, 1203.4a, or 1203.45 of the Penal Code shall not constitute a limitation on the discretion of the sheriff under subsection (b) of this section;

(5) Association of the applicant with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code;

(6) Contumacious defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code;

(7) The applicant is less than twenty-one years of age;

(8) The applicant is disqualified from holding a state gambling license;

(9) The state objects to the issuance of a work permit to the applicant.

(b) Character and Background of Applicant Warranting Issuance of Permit. The sheriff shall not issue a work permit unless, based on all of the documents and information submitted by the applicant or obtained by way of investigation, the sheriff concludes that the applicant is:

(1) A person of good character, honesty and integrity;

(2) A person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of the county, or to the effective regulation and control of controlled gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and

activities in the conduct of controlled gambling or in the carrying on of the business and financial arrangements incidental thereto;

(3) A person who is in all other respects qualified to hold a permit as provided in this chapter.

(c) Issuance. Unless an applicant is disqualified pursuant to subsection (a) of this section or the sheriff determines that a permit should not issue pursuant to subsection (b) of this section, the sheriff will issue a twelve-month nontransferable permit to the applicant, pursuant to such conditions, if any, as the sheriff believes conducive to effectuating this chapter. Any such conditions will be noted on the permit.

(d) Fee. The permit issuance fee is fifty dollars, which must be paid by the permittee immediately upon issuance of a permit. This fee is nonrefundable and will not be prorated.

(e) Appeals. Permit denials may be appealed as follows:

(1) An appeal from a denial based on subsections (a)(1) through (8) of this section, inclusive, is governed by Chapter 14-4 of this code, and shall be made only on the ground of mistake with respect to a disqualifying factor;

(2) An appeal from a denial based on subsection (a)(9) shall be made to the California Gambling Control Commission, pursuant to California Business and Professions Code Section 19912(c)(3);

(3) An appeal from a denial based on subsection (b) of this section is governed by Chapter 14-4 of this code.

(Ords. 2005-07 § 2, 98-28, 82-62 § 3, 82-44, 1779, 1458: § 52-2.408, § 52-2.410: prior code §§ 5209, 5210).

52-3.708 Renewal.

(a) Application. A permittee seeking renewal shall apply for renewal of ~~his or her~~the permittee's permit at least thirty days in advance of its expiration date (anniversary of issuance) to allow for processing before the expiration of the permit sought to be renewed.

(b) Form, Fee, Procedure. The procedure shall be the same as that set out in Sections 52-3.703 and 52-3.707, except:

(1) The renewal application fee is twenty-five dollars; and

(2) No fee is due upon issuance of the permit.

(Ords. 2005-07 § 3, 98-28, 82-62 § 4).

Article 52-3.9. Suspension, Revocation, Change and Variance

52-3.901 Cardroom license.

(a) Notice. The board may suspend or revoke a cardroom license at any time, after giving the licensee(s) reasonable notice of opportunity to be heard in defense against noticed charges.

(b) Upon notification to the county from the state that a licensee's state gambling license has expired, or been suspended or revoked, the licensee's license under this chapter is immediately suspended and shall be revoked.

(c) Cause. Any violation of requirements in, or pursuant to, this chapter is cause for suspension or revocation.

(d) Effect. Neither suspension nor revocation affects any fee already due or paid, nor does it extend the life of any license. A revoked license is voided, and cannot be transferred, reinstated, renewed or re-issued; but a

suspended license may be reinstated as a valid license upon such conditions as the board may impose, in its discretion under this chapter, including penalty fees not exceeding ordinary fees for a new license. Such board actions are additional to, and not a limitation on, other civil and criminal proceedings under this code or state law.

(Ords. 98-28, 82-44, 1458: § 52-2.410: prior code § 5211: see also Chaps. 14-6, 14-8 and 51-4).

52-3.903 Work permits.

Any cardroom work permit may be suspended or revoked, like a cardroom license under Section 52-3.901, except that the action is by the sheriff and the cause must be a violation related to that work permit. A cardroom work permit is suspended and shall be revoked if the state notifies the county to revoke the permit or a permittee becomes disqualified to hold a state gambling license.

(Ords. 98-28, 82-44, 1458: § 52-2.412: prior code § 5211).

52-3.905 Change notice, and variance.

(a) Change in Conditions. Every licensee and permittee shall promptly notify the sheriff in writing of any actual or proposed change in the conditions or restrictions applicable to ~~his~~ the license or permit, including any change in or deviation from the requirements in or pursuant to this chapter when the license or permit was issued or since then.

(b) Variance Allowable. Upon such notice and payment of a fee which the sheriff estimates to be required to pay for processing the matter (not exceeding the fee on a new application), the sheriff and/or board shall process this as though it were an application for a new license or permit, and shall similarly respectively investigate, report, recommend, hear, and deny, modify condition or approve it.

(c) Enforcement Postponed. During the pendency of such an application, promptly made and diligently pursued, failures to comply with legal requirements or prohibitions (as to matters which are within the sheriff's or board's discretion to impose or to grant variances from) shall not be deemed violations of this code; but this does not extend the life of any license or permit or affect preapplication violations.

(Ords. 82-44, 77-54: § 52-2.413).

Chapter 52-4 MECHANICAL AMUSEMENT DEVICES

52-4.002 Definition.

As used in this chapter, "mechanical amusement device" means any mechanical grab machine which, on the insertion of a coin, slug, token, slot, plate or disk, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. Included are such devices as mechanical grab and claw machines and all similar machines, operation, or transactions under any name.

(Prior code § 5220: Ord. 1015).

52-4.004 Prohibition.

(a) No person shall own, possess, keep or control, either as principal, agent, employee, lessee or otherwise, any mechanical amusement device within unincorporated areas of this county.

(b) No person shall allow any mechanical amusement device to be placed, kept or maintained for use by the public in any building, structure or place of business owned, leased, controlled or possessed by the person ~~him~~ within the unincorporated areas in this county.

(Prior code § 5221: Ord. 1015).

52-4.006 Seizure and destruction.

Any mechanical amusement device found by any deputy sheriff, constable, or police officer of this county to be available for use by the public within the unincorporated areas of this county may be seized and impounded by the officer. If any person is tried and found guilty of allowing the device to be so used, the machine shall be destroyed by the officer.

(Prior code § 5222: Ord. 1015).

*Chapter 52-6 PUBLIC DANCES**

* For the statutory provisions relating to fire and panic safety for dance halls, see Health & Saf. C. § 13143; for the provisions regarding the use of flame-resistant materials, see Health & Saf. C. § 13155 ff.

For the provisions regarding marathon dances and exhibitions, see Pen. C. § 11450 ff.

For sheriff, see Ch. 24-20 of this code.

52-6.002 Defined.

"Public dance" means any gathering of people in or on any premises where the public is admitted and dances, either as the main or incidental purpose of such gathering.

(Ords. 2042 § 1(a), 1966, 1587: prior code § 5240: Ord. 181).

52-6.004 Hours.

No person shall allow or hold a public dance in or on premises owned by the person ~~him~~ or under the person's ~~his~~ control between two a.m. and nine a.m. of any day.

(Ords. 2042 § 1(b), 1966, 1587: prior code § 5240: Ord. 181).

52-6.006 Nuisance—Abatement.

Whenever, at any public dance, there is a clear and immediate danger to the health, safety and welfare of a neighborhood or any considerable number of persons, by reason of conduct or events at the dance such as loud or unusual noise, tumultuous or offensive conduct, quarreling, challenging to fight or fighting, this condition is a nuisance and unlawful; and the sheriff or the sheriff's ~~his~~ deputies may summarily abate such a nuisance by clearing, evacuating and/or closing the premises, and/or dispersing the persons therein.

(Ord. 2042 § 1(c), 1966, 1587: prior code § 5240: Ord. 181).

Division 54 PUBLIC ORDER

Chapter 54-2 CURFEW FOR MINORS[1]

54-2.002 Title.

This chapter is known as the Curfew for Minors Ordinance of Contra Costa County.

(Ord. No. 2012-05, §§ I and II, 2-28-12)

54-2.004 Purpose.

(a) Contra Costa County has a compelling interest in reducing the rate of juvenile crime and victimization. Minors are particularly vulnerable to violence and pressure to participate in criminal activity due to their limited ability to make informed and mature decisions. Enactment and enforcement of a daytime and nighttime juvenile curfew reduces the amount of crime by and against juveniles in the county (especially violent crime committed by and perpetrated against juveniles) and protects juveniles from harm.

(b) A daytime curfew furthers the county's compelling interest in prohibiting daytime presence in public places by those subject to compulsory education. State law requires all persons between the ages of six and eighteen to attend school. The community as a whole suffers when a minor student is not attending school, as truancy often leads to vandalism, petty theft, daytime burglaries, damage to public property, and other criminal activity.

(c) A daytime and nighttime curfew promotes the public health, safety, and general welfare during late night and school hours.

(d) This chapter is intended to assist with the policing of public places during specified daytime and nighttime hours in order to prevent crimes by and against minors during those hours. It is not intended to interfere with or supersede the enforcement of state laws regulating education or truancy or with any local school districts' truancy programs. Rather, this chapter is intended to provide the county with an additional tool to protect youth and prevent crime.

(Ord. No. 2012-05, §§ I and II, 2-28-12)

54-2.006 Definitions.

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

[1]Editor's note(s)—Ord. No. 2012-05, § II, adopted Feb. 28, 2012, amended Chapter 54-2 in its entirety to read as herein set out. Former Chapter 54-2, §§ 54-2.002—54-2.008, pertained to similar subject matter and derived from Ords. 75-44: prior code §§ 5401, 5402, and 5403; Ords. 956, 153 § 1, 69.

(a) "Daytime curfew hours" means the period of a minor's regular scheduled school hours when the minor's school is in session.

(b) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. "Emergency" includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(c) "Errand" means a trip to carry a message or perform a lawful task.

(d) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited.

(e) "Guardian" means any of the following:

(1) A person who, under court order, is the guardian of a minor.

(2) A public or private agency with whom a minor has been placed by a court.

(3) A person who is at least eighteen years of age and is authorized by a minor's parent or guardian to have the care and custody of that minor.

(f) "Minor" means any person under eighteen years of age. "Minor" does not include a person who is:

(1) On active duty with the armed forces of the United States;

(2) Validly married, whether or not the marriage has been dissolved; or

(3) Otherwise emancipated under state or federal law.

(g) "Nighttime curfew hours" means:

(1) On any Sunday, Monday, Tuesday, Wednesday, or Thursday, the hours between 10:00 p.m. of that day and 5:00 a.m. of the following day.

(2) On any Saturday or Sunday, the hours between 12:01 a.m. and 5:00 a.m.

(h) "Operator" means any individual, company, firm, association, trust, partnership, corporation, limited liability company or other entity, however organized, operating, managing, conducting or carrying on any establishment, including, but not limited to its owners, employees, partners, members, or officers.

(i) "Parent" means a person who is a natural parent, adoptive parent, legal parent, or step-parent of a minor.

(j) "Public place" means any place to which the public has access, including, but not limited to, streets, sidewalks, parks, recreational areas, public grounds, public buildings, movie theaters, restaurants, shops, parking lots, and the common areas of the following: schools (except during regular school hours), office buildings, transportation facilities, and apartments.

(k) " Responsible adult" means a person at least eighteen years of age who is authorized by a minor's parent or guardian to have the care and custody of that minor.

(Ord. No. 2012-05, §§ I and II, 2-28-12)

54-2.008 Violation by minor.

(a) Nighttime curfew restriction: A minor may not be present in, about, or upon any public place during nighttime curfew hours.

(b) Daytime curfew restriction: A minor who is subject to compulsory education or to compulsory continuing education may not be present in, about, or on any public place during daytime curfew hours.

(Ord. No. 2012-05, §§ I and II, 2-28-12)

54-2.010 Violation by parent or guardian.

A parent or guardian may not knowingly allow or permit a minor to violate any curfew restriction of this chapter.

(Ord. No. 2012-05, §§ I and II, 2-28-12)

54-2.012 Violation by operator of an establishment.

An operator of an establishment may not knowingly allow a minor to remain in, on or about the establishment's premises during nighttime curfew hours, except that it is not a violation of this section if the operator promptly notifies the sheriff's office that a minor is present at the establishment during nighttime curfew hours and that the minor refused to leave after being asked to leave the establishment.

(Ord. No. 2012-05, §§ I and II, 2-28-12)

54-2.014 Exceptions.

(a) The daytime and nighttime curfew restrictions of this chapter do not apply if the minor is:

(1) Exercising the minor's~~his or her~~ First Amendment rights protected by the United States or California Constitutions, including the free exercise of religion, freedom of speech, and the right of assembly; or going to or from these activities without any detour or stop.

(2) Engaged in legal employment; or going to or from the place of employment without any detour or stop. This exception also applies if the minor is in a public place during curfew hours in the course of the minor's ~~his or her~~ employment, provided the minor carries a written statement from the employer attesting to the place and hours of employment.

(3) Accompanied by ~~his or her~~the minor's parent, guardian, or responsible adult.

(4) On an errand directed by ~~his or her~~the minor's parent or guardian, or by ~~his or her~~the minor's spouse who is eighteen years of age or older.

(5) Attending an official school, religious or other cultural, educational or recreational activity, event, or function which is supervised by adults and which is organized, arranged or sponsored by the county, a religious or civic organization, or another similar entity that is taking responsibility for the minor; or going to or from that activity, event, or function without any detour or stop.

(6) Traveling interstate.

(7) Involved in an emergency.

(8) Receiving medical treatment or care, seeking medical assistance; or going to or from place of medical treatment or care without any detour or stop.

(9) Lawfully engaged in a business, trade, profession, work study, occupation or employment-related activity; or going to or from that activity without any detour or stop.

(10) Attending or going directly to or from an event, appointment, or activity that is directly related to any medical condition of a parent, guardian or spouse who is eighteen years of age or older.

(b) The nighttime curfew restrictions of this chapter also do not apply if the minor is:

(1) Coming directly home from a public meeting or a place of public entertainment, such as a movie, play, concert, or sporting event.

(2) On the sidewalk or right-of-way abutting the minor's residence or the residence of the minor's next-door neighbor, so long as any neighbor did not complain to the sheriff's department about that minor's presence.

(c) The daytime curfew restrictions of this chapter also do not apply if the minor is:

(1) Authorized to be absent from the minor's ~~his or her~~ school pursuant to applicable school rules, California Education Code Section 48205, or any applicable state or federal law.

(2) Receiving home or private school instruction pursuant to California Education Code Section 48222.

(3) In possession of a valid, school issued, off-campus permit that authorizes the minor to leave the school campus.

(4) Receiving instruction by a qualified tutor pursuant to Education Code Section 48224.

(5) Exempt or excluded from compulsory education or compulsory continuation education, as set forth in the California Education Code.

(6) Not a resident of the county and in possession of a valid passport, visitor's visa, or other form of identification establishing that the minor is temporarily visiting within the county.

(Ord. No. 2012-05, §§ I and II, 2-28-12)

54-2.016 Enforcement.

(a) Before taking any enforcement action under this section, a sheriff's deputy will ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. The deputy will not issue a warning or citation under this section unless the deputy reasonably believes that an offense has occurred and that, based on any responses and other circumstances, no exception under section 54-2.014 applies.

(b) Upon a first violation of any curfew restriction in this chapter, a written warning will be issued to the person violating this chapter. A written warning will also be mailed to the minor's parents or legal guardian stating that the minor was in violation of curfew regulations and that a subsequent violation of any curfew restriction in this chapter within twelve months after the first violation will constitute an infraction. This notice will require the parents or legal guardian to sign and return the notification and include space for the explanation of any circumstances relevant to any applicable exception specified in section 54-2.014.

(c) Each subsequent violation of any curfew restriction in this chapter within twelve months after the first violation is an infraction.

(d) This section shall not be construed to abridge the authority of a law enforcement officer to assume temporary custody, during school hours, of any minor subject to compulsory full time education or compulsory continuing education who is found away from the minor's ~~his or her~~ home and who is absent from school without a valid excuse, and return the minor to the minor's school of registration, pursuant to California Education Code Sections 48264 and 48265.

(e) This section shall not be construed to limit the authority of the court to render any disposition authorized by Welfare and Institutions Code Section 258, subdivision (a), or any other provision of the Juvenile Court Law, Welfare and Institutions Code Section 200, et seq.

(Ord. No. 2012-05, §§ I and II, 2-28-12)

Chapter 54-3 SOCIAL HOST[2]

54-3.002 Title.

This chapter is known and may be cited as the Contra Costa County Social Host Ordinance.

(Ord. No. 2008-25, § II, 10-14-08)

54-3.004 Findings.

The board of supervisors hereby finds: (1) that underage drinking is a serious threat to public health and safety; (2) that gatherings on private property where alcohol is consumed by juveniles is a serious problem in Contra Costa County; (3) that problems associated with such gatherings are difficult to resolve unless the sheriff's office has additional ability to hold those persons who host such gatherings responsible; and (4) that the sheriff's ability to enforce this ordinance against hosts of juvenile gatherings will result in a decrease in juvenile abuse of intoxicants, physical fights, vandalism, noise disturbances, and other alcohol related incidents.

(Ord. No. 2008-25, § II, 10-14-08)

54-3.006 Definitions.

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

(a) "Gathering" means a group of persons who have assembled, or are assembling, for a social occasion or for a social activity.

(b) "Place of residence" means private property that is owned, rented or leased by a person.

(Ord. No. 2008-25, § II, 10-14-08)

54-3.008 Unlawful juvenile gatherings on private property.

(a) No person shall suffer, permit, allow, or host a gathering at the person's~~his or her~~ place of residence or other private property under the person's~~his or her~~ control where three or more persons under the age of twenty-one are present and where alcoholic beverages are in the possession of, or are being consumed by, any person under the age of twenty-one.

(b) A violation of this chapter is a misdemeanor, punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars, or by both.

(c) This chapter does not apply to any gathering involving the use of alcoholic beverages that is protected by Article 1, Section 4 of the California Constitution.

[2]Editor's note(s)—Ord. No. 2008-25, § II, adopted Oct. 14, 2008, repealed the former Ch. 54-3, §§ 54-3.002—54-3.010, and enacted a new Ch. 54-3 as set out herein. The former Ch. 54-3 pertained to juvenile gatherings and derived from Ord. 91-51, § 1.

(Ord. No. 2008-25, § II, 10-14-08)

Chapter 54-4 FALSE REPORTS

54-4.002 To sheriff.

No person shall knowingly:

(1) Make or cause to be made any false or fictitious call or report to the office of the sheriff, that the person~~he~~ was the victim of a criminal offense; or

(2) Cause the sheriff's office to respond to any false or fictitious call or report; or

(3) Request or cause to be requested any assistance or investigation in connection with or as a result of any false or fictitious call or report.

(Prior code § 5410: Ord. 524).

54-4.004 To county employees.

Every person who, not being under oath, in the course of official business with any officer or employee of this county:

(1) Knowingly falsifies or conceals any fact; or

(2) Knowingly makes any false statement or representation; or

(3) Makes or uses any writing or document, knowing it to contain any false statement or entry, is guilty of a misdemeanor.

(Ord. 1466: prior code § 5411).

Chapter 54-6 INTOXICATION

54-6.002 Misdemeanors while intoxicated.

No persons shall commit any of the following acts while under the influence of intoxicating liquor, or any drug, or the combined influence of intoxicating liquor and any drug:

(1) Enter a building or upon any private lands, owned by any other person without the consent of the owner or ~~his~~ the owner's agent or the person in lawful possession thereof; or

(2) Enter a building or upon any private lands, owned by any other person, to the annoyance of any person; or

(3) Enter any portion of public lands or buildings or any portion of lands or buildings open to the public, which portion is not open to the general public, to the annoyance of any person; or

(4) Be in, on or about a motor vehicle upon any private lands or buildings.

(Ord. 1736: prior code § 5420: Ord. 919).

Chapter 54-8 LABOR DISPUTES

54-8.002 Obstruction of public ways.

No person shall loiter, stand, or sit in or on any public highway, alley, sidewalk, or crosswalk so as to hinder or obstruct in any manner the free passage of persons or vehicles or to annoy or molest passing persons.

(Prior code § 5430: Ord. 232).

54-8.004 Intimidation—During picketing prohibited.

No person shall picket premises where any person is employed or seeking employment, or any place or approach thereto where an employee or person seeking employment lodges or resides, for the purpose of inducing the employee or person seeking employment, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to quit their~~his~~ employment or to refrain from seeking or freely entering employment.

(Prior code § 5431: Ord. 232).

54-8.006 Intimidation—During assembly prohibited.

No person in association or agreement with one or more other persons shall assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or seek employment, or on the adjacent streets for the purpose of inducing the employees or persons seeking employment, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear to quit their employment or to refrain from seeking or freely entering into contracts of employment.

(Prior code § 5432: Ord. 232).

54-8.008 Opprobrious language prohibited.

No person shall utter to, or within the hearing of, another any derogatory, indecent, opprobrious language or epithets, make any loud or unusual noise or tone, cry out or proclaim, or use any gestures for the purpose of inducing any person by means of compulsion, coercion, intimidation, threats, acts of violence, or fear to quit their ~~his~~ employment or to refrain from seeking or freely entering into employment.

(Prior code § 5433: Ord. 232).

54-8.010 Peaceable picketing.

Nothing contained in this chapter shall be deemed to prohibit peaceable picketing nor to prohibit labor from attempting to accomplish its aims in trade disputes by other peaceable means, including collective bargaining.

(Prior code § 5435: Ord. 232).

Chapter 54-10 REWARDS

54-10.002 Conviction of traffic sign vandals.

(a) Pursuant to Section 26207 of the Government Code of the state of California, this county will pay a reward of one hundred dollars to any person who gives information leading to the arrest and conviction of any person who wilfully and unlawfully removes, damages, or destroys a county official traffic control device, as that term is defined in Section 440 of the Vehicle Code.

(b) Any person claiming a reward under this section shall file a claim with the auditor. The claim shall be accompanied by a certification from the district attorney that the claimant is entitled to the reward provided in this section.

(Ord. 1496: prior code § 5441).

Chapter 54-12 ALARM SYSTEMS

54-12.002 Purpose and scope.

(a) The purpose of this chapter is to set forth regulations governing alarm systems, both commercial and residential, within the county, and provide for enforcement of violations of provisions of this chapter.

(b) This chapter is not enacted pursuant to the power to license or tax business for revenue purposes. Any fee or charge authorized by this chapter is for the sole purpose of defraying the cost and expense of regulating the activities of the above-mentioned alarm systems and of responding to false alarms.

(Ord. 84-28).

54-12.004 Definitions.

The following definitions shall apply to this chapter:

(1) "Alarm business" means any business operated by a person or business entity which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to an alarm system. Public agencies are not included within this definition.

(2) "Alarm system" means an assembly of equipment and devices designed to signal the presence of a hazard requiring urgent attention and to which police or fire agencies are expected to respond. "Alarm system" includes, but is not limited to, audible alarms, automatic dialing systems, commercial alarms, robbery alarm systems, intrusion alarm systems, manual holdup alarm systems, remote signaling systems, fire alarm systems, and alarm systems which monitor temperature, humidity, smoke or other products of combustion.

(3) "Audible alarm" means any alarm system which generates a sound which is designed to be heard outside the building where the system is installed.

(4) "Automatic dialing system" means an alarm system which automatically sends over telephone lines, by direct connection or otherwise, a message or signal indicating the existence of an emergency situation.

(5) "Commercial alarm" means an alarm installed on premises which are not primarily used for residential purposes.

(6) "False alarm" means the activation of an alarm system through mechanical failure, electrical failure, electronic failure, malfunction, improper installation or maintenance, or the negligence of the owner, lessee, or of ~~his~~ the owner's or lessee's employees or agents. Such terminology does not include, for

example, alarms caused by hurricanes, tornadoes, earthquakes, or other violent, uncontrollable acts of nature.

(7) "Intrusion alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system.

(8) "Manual holdup alarm system" means an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.

(9) "Police alarm board" means an alarm- receiving center operated by the sheriff's department.

(10) "Public agency" means and includes the state, county and any city or district therein, and any departments or officers thereof.

(11) "Remote signaling system" means an alarm signaling system which, when activated by an alarm device, transmits a signal from an alarm signaling device to a central location, including, but not limited to, the police alarm board, where appropriate action is taken to investigate and respond to the signal.

(12) "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery.

(13) "Sheriff" means the sheriff of Contra Costa County or the sheriff's ~~his~~ designated representative.

(14) "Subscriber" means any person or business entity which owns, leases, rents or is entitled to possession of any premises on which an alarm system is installed. Public agencies are not included within this definition.

(Ord. 84-28).

54-12.006 Audible alarm requirements.

(a) No audible alarm shall be installed, maintained or used which emits a sound similar to that of an emergency vehicle siren.

(b) The subscriber of an audible alarm affixed to real property shall post a notice containing the name and telephone number of the person to be notified to render repairs, services or turn off the alarm when the alarm is activated. Such notice shall be posted near the alarm in such a position as to be legible from the ground adjacent to the building.

(c) All audible alarms shall be designed and/or equipped to automatically turn off no more than twenty minutes after activated.

(d) No subscriber shall design or equip an audible alarm to automatically set itself.

(Ord. 84-28).

54-12.008 Back-up power.

(a) All new commercial alarms shall be supplied with an uninterruptable power supply in such a manner that the failure or interruption of the normal utility electric service will not activate the alarm system. The power supply shall be capable of operating for at least four hours.

(b) Commercial alarms installed prior to the enactment of the ordinance codified in this chapter shall comply with this requirement within six months of the effective date of the ordinance codified in this chapter.

(Ord. 84-28).

54-12.010 Automatic dialing systems.

(a) No person or business entity shall use or operate, cause to be used or operated, arrange, adjust, program, or otherwise provide or install any device or combination of devices, including alarm systems, that will, upon activation, initiate the calling, dialing or connection to any telephone number, line or instrument assigned to a public agency in Contra Costa County for the purpose of delivering a recorded message, without the prior written consent of the public agency.

(b) The public agency may withdraw its consent by mailing written notice to the person to whom consent was given and such person shall disconnect the device(s) within seven calendar days of mailing the notice of withdrawal.

(c) An automatic dialing system shall dial the specific telephone number assigned to it and no other.

(Ord. 84-28; Ord. 72-24 § 1, 1972: Ord. 71-102 § 1 (part), 1971).

54-12.012 Police alarm board.

No alarm shall terminate at the police alarm board without the prior written consent of the sheriff.

(Ord. 84-28).

54-12.014 False alarm fee.

(a) For every false alarm in excess of three during any ninety-day period or eight during any twelve-month period, the subscriber of the errant alarm shall pay a false alarm fee.

(b) The false alarm fee shall be established by board resolution.

(c) For purposes of this section, all false alarms within a twenty-four-hour period shall be deemed one false alarm.

(Ord. 84-28).

54-12.016 Nonresponse.

(a) In lieu of the false alarm fee, the sheriff may determine that a subscriber's alarm is an alarm warranting a "nonresponse" by emergency units.

(b) "Nonresponse" status may be based on one or more of the following conditions:

(1) Personnel at the location of the alarm system are not properly trained;

(2) The alarm system is not properly maintained;

(3) False alarms are a recurring problem;

(4) The subscriber has failed to pay the false alarm fee within thirty days after the date of mailing the invoice;

(5) The subscriber has failed or refused to respond to the location of an errant alarm;

(6) The alarm system has been activated for reasons other than probable burglary, intrusion or robbery; or

(7) The subscriber has failed to comply with any provision of this chapter.

(c) Emergency units will not respond to any alarm system in "nonresponse" status.

(Ord. 84-28).

54-12.018 Nonresponse notice.

The sheriff shall given written notice to any subscriber who is deemed subject to nonresponse status, that seven calendar days after mailing this notice, emergency units will no longer respond to the subscriber's alarm system unless an appeal to the sheriff is timely made.

(Ord. 84-28).

54-12.020 Hearing procedure.

(a) Within seven days of the date of mailing a "nonresponse" notice, the subscriber may mail a written request, by first-class mail, return receipt requested, for a hearing before the sheriff. The request shall set forth the reason(s) why the alarm should not be placed on nonresponse status.

(b) The sheriff shall set a hearing and mail written notice of the date, time, and place thereof to the subscriber at least ten days prior to the date of such hearing.

(c) At the hearing, the parties or their authorized representatives may present relevant oral and documentary evidence and cross-examine witnesses.

(d) The decision of the sheriff may be appealed to the board of supervisors no later than ten days from the date of mailing the decision. The letter of appeal must state the grounds for appeal and must be mailed no later than ten days from the date the decision is mailed.

(Ord. 84-28).

54-12.022 Liability limitation.

The county shall be under no duty or obligation to subscribers or any other person or business entity, by reason of any provision of this chapter or any privileges of a subscriber hereunder, including, but not limited to, any defects in the police alarm board or any delays in transmission or response to any alarm.

(Ord. 84-28).

54-12.024 Collection process.

The county is authorized to collect the false alarm fee and sue any person or business which has failed to pay the fee within a reasonable time or failed to comply with any provision of this chapter.

(Ord. 84-28).

54-12.026 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this division or any part thereof. The board of supervisors declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more of these

sections, subsections, subdivisions, paragraphs, sentences, clauses phrases be declared unconstitutional or invalid or ineffective.

(Ord. 84-28).

54-12.028 Punishment — Public nuisance.

(a) Any violation of this chapter is an infraction.

(b) Any violation of this chapter shall constitute a public nuisance. In addition to any other remedies provided in this chapter, the county may summarily abate and bring suit to enjoin or abate the nuisance.

(Ord. 84-28).

Chapter 54-14 OPEN ALCOHOL CONTAINERS

54-14.002 Prohibited acts.

No person possessing an open container of any alcoholic beverage shall enter, be, or remain on premises from which alcoholic beverages are sold for off-site consumption, or on any adjacent sidewalk or parking lot, if such premises are posted as provided in Section 54-14.006.

(Ord. 85-42 §2).

54-14.004 Definitions.

As used in this chapter:

(a) "Open container" means a bottle, can, or other receptacle which has been opened, or the seal broken, or the contents partially removed.

(b) "Premises from which alcoholic beverages are sold for off-site consumption" means the posted premises of a retail package off-sale alcoholic beverage licensee licensed under the Alcoholic Beverage Control Act (Business and Professions Code, Division 9, Sections 23000 et seq.) and any immediately adjacent public sidewalk or posted parking lot.

(Ord. 85-42 § 2).

54-14.006 Posting of premises.

(a) The premises from which alcoholic beverages are sold for off-site consumption and any immediately adjacent parking lot may be posted with clearly visible signs indicating that possession of an open container of alcohol is prohibited on those premises.

Each sign shall read substantially as follows:

Possession of an open container of alcohol is prohibited on these premises.

County Ordinance Code Section 54-14.002.

(b) No premises shall be deemed hereunder without the prior approval of the Contra Costa County sheriff's department regarding the size, form, location and number of signs.

(Ord. 85-42 § 2).

54-14.008 Exception.

This chapter does not apply to a private residential parking lot which is immediately adjacent to premises from which alcoholic beverages are sold for off-site consumption.

(Ord. 85-42 § 2).

Chapter 54-16 OPEN ALCOHOL CONTAINERS IN PUBLIC AREAS

54-16.002 Prohibited acts.

(a) No person shall consume, drink, exhibit or possess an open container of any alcoholic beverage in any quantity on any public street, avenue, boulevard, sidewalk, way, alley, thoroughfare, public parking lot or private parking lot open to the public, park, playground, or other public facility within the unincorporated area of the county of Contra Costa.

(b) No person shall consume, drink, exhibit or possess an open container of any alcoholic beverage within fifteen feet of any public way or thoroughfare while on a private driveway, stairway, doorway, or other private property open to public view without the express or implied permission of the owner, ~~his~~ the owner's agent, or the person in lawful possession thereof except as provided in Section 54-16.006.

(Ord. 86-91).

54-16.004 Definitions.

As used in this chapter, "open container" means a bottle, can or other receptacle which is open, has been opened, or which has a seal broken, or of which the contents have been partially removed.

(Ord. 86-91).

54-16.006 Exceptions.

Section 54-14.002 shall not apply to those areas and during such time as the sheriff or other county agency designated by the board has issued a permit for temporary use and occupancy of public streets, parks, or other public facilities and appurtenant areas for the consumption of alcoholic beverages.

(Ord. 86-91).

54-16.008 Infraction.

Any person who is convicted of a violation of any provision of this chapter is guilty of an infraction and shall be punished as provided in Section 14-8.002.

(Ord. 86-91).

Chapter 54-18 LOITERING FOR PURPOSES OF DRUG-RELATED ACTIVITIES

54-18.002 Purpose.

Persons loitering in, on or near any thoroughfare or place open to the public or near any public or private place with the intent to buy, sell, transfer, possess or use illegal drugs pose a serious threat to the health, safety and welfare of citizens, including neighboring residents and passersby. Because of the increasing danger that such activity creates, the ordinance codified in this chapter is needed to protect the public health, safety and welfare.

(Ord. 95-39 § 1).

54-18.004 Acts prohibited.

It is unlawful for any person to loiter in, on or near any thoroughfare or place open to the public or near any public or private place in a manner and under circumstances manifesting the purpose of engaging in drug-related activity defined as offenses in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code.

(Ord. 95-39 § 1).

54-18.006 Circumstances.

Any of the following circumstances may be considered in determining whether the purpose of engaging in drug-related activity is manifested by a loitering person, and such circumstances are not exclusive:

(1) The person is a known unlawful drug user, possessor or seller. For purposes of this chapter, a "known unlawful drug user, possessor or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code.

(2) The person displays physical characteristics of drug intoxication or usage, such as "needle tracks."

(3) The person possesses drug paraphernalia.

(4) The person is currently subject to an order prohibiting ~~his or her~~the person's presence in a high-drug-activity geographic area.

(5) The person behaves in such a manner as to raise a reasonable suspicion that the person ~~he or she~~ is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, acting as a "lookout."

(6) The person is physically identified by the officer as a member of a "gang," or association which has as a purpose illegal drug activity.

(7) The person transfers small objects or packages for currency in a furtive fashion.

(8) The person takes flight upon the appearance of a police officer.

(9) The person tries to conceal themself~~himself or herself~~ or any object which reasonably could be involved in an unlawful drug-related activity.

(10) The person is in a geographic area that is known for unlawful drug use and trafficking.

(11) The person is on or in premises that have been reported to law enforcement as a place suspected of unlawful drug activity.

(12) The person is in or within six feet of any vehicle registered to a known unlawful drug user, possessor or seller, or person for whom there is an outstanding warrant for a crime involving drug-related activity.

(Ord. 95-39 § 1).

Chapter 54-20 SATURDAY NIGHT SPECIALS—SALE PROHIBITED

54-20.002 Purpose.

The purpose of this chapter is to ensure the health, safety, and general welfare of residents of the county of Contra Costa by eliminating the sale of cheaply made, inadequately designed and poorly manufactured handguns in the unincorporated areas of the county.

(Ord. 96-42 § 2).

54-20.004 Definitions.

(a) Except as provided in subsection (b) of this section, the term "Saturday night special," as used in this section means any of the following:

(1) A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which contains a frame, barrel, breechblock, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength;

(2) A semiautomatic pistol which:

(A) Is not originally equipped by the manufacturer with a locked-breech action;

(B) Is chambered for cartridges developing maximum permissible breech pressures above twenty-four thousand one hundred copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute;

(C) For purpose of this subsection (2), "semiautomatic pistol" means a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber; (ii) ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into the chamber. "Semiautomatic pistol" shall not include any assault weapon designated in California Penal Code Section 12276;

(3) A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:

(A) Uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum permissible breech pressures below nineteen thousand copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute;

(B) Is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above nineteen thousand copper units of pressure as standardized by the Sporting Arms and Ammunition Manufactures Institute;

(C) Is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger;

(D) If rimfire, is equipped with a barrel of less than twenty bore diameters in overall length protruding from the frame;

(E) For purpose of this subsection (3), "action mechanism" means the mechanism of a firearm by which it is loaded, locked, fired and unloaded.

(Ord. 96-42 § 2).

54-20.006 Exclusions.

The term "Saturday night special" does not include any of the following:

(1) Any pistol which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5), (7) and (8) of subsection (b) of California Penal Code Section 12020;

(2) Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion;

(3) Children's pop guns or toys;

(4) An "unconventional pistol" as defined in California Penal Code Section 12020(c)(12); or

(5) Any pistol which has been modified to either render it permanently inoperable or permanently to make it a device no longer classified as a "Saturday night special."

(Ord. 96-42 § 2).

54-20.008 Roster.

The county officer and department designated by the county administrator shall compile, publish and thereafter maintain a roster of Saturday night specials. The roster shall list those firearms, by manufacturer and model number, which the designated officer or the officer's ~~his/her~~ designee determines satisfy the definition of Saturday night special set forth in Section 54-20.004.

(Ords. 99-25 § 2; 96-42 § 2).

54-20.010 Publication.

The designed county officer or ~~his/her~~ the county officer's designee shall publish the roster of Saturday night specials on a semiannual basis and shall send a copy of the roster to every dealer within the unincorporated area of the county who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the state of California.

(Ords. 99-25 § 3; 96-42 § 2).

54-20.012 Sale prohibited.

No wholesale or retail gun dealer shall sell, offer or display for sale, give, lend or transfer ownership of, any firearm listed on the roster of Saturday night specials. This section shall not preclude a wholesale or retail gun dealer from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the Penal Code of the state of California. This section shall not be enforced until the roster of Saturday night specials has been completed and published in accordance with Sections 54-20.008 and 54-20.010.

(Ord. 96-42 § 2).

54-20.014 Exemptions.

Nothing in this chapter shall prohibit the disposition of any Saturday night special by police departments, sheriff's offices, marshal's offices, the California Highway Patrol, other local, state and federal law enforcement agencies, or the military and naval forces of this state or the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the use of any Saturday night special by regular, salaried, full-time officers, employees or agents thereof when on duty and the use of such firearms is within the scope of their duties.

(Ord. 96-42 § 2).

54-22 SAFE STORAGE OF FIREARMS IN RESIDENCES

54-22.002 Purpose.

The purpose of this chapter is to require safe storage of firearms in residences located in unincorporated Contra Costa County, through the use of a locked container or a firearm safety device.

(Ord. No. 2023-17, § II, 10-3-23).

54-22.004 Definitions.

For purposes of this chapter, the following terms have the following meanings:

(a) "Firearm" means a firearm as defined in Penal Code section 16520, as may be amended from time to time.

(b) "Locked container" means a locked container as defined in Penal Code section 16850, as may be amended from time to time.

(c) "Residence" means any structure intended or used for human habitation including, but not limited to, a house, condominium, room, single-room occupancy, accessory dwelling unit, in-law unit, mobile home, trailer coach or house car that is parked and being used as a residence, motel, hotel, time-share, and other locations where human habitation occurs, and regardless of the lawful status of the structure or its occupancy.

(d) "Firearm safety device" has the meaning set forth in Penal Code section 16540, as may be amended from time to time.

(e) "Immediate control" means within close enough proximity and control that the owner or other lawfully authorized user of a firearm can readily retrieve and use the firearm as if carried on the person.

(Ord. No. 2023-17, § II, 10-3-23).

54-22.006 Regulation of firearm storage.

A person may not keep a firearm in any residence owned or controlled by that person unless the firearm is stored in a locked container, or the firearm is disabled with a firearm safety device that is listed on the California Department of Justice's roster of approved firearm safety devices and is identified by the California Department of Justice as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the firearm safety device.

(Ord. No. 2023-17, § II, 10-3-23).

54-22.008 Exceptions to firearm storage regulation.

(a) This chapter does not apply when a firearm is carried on the person of, or is otherwise in the immediate control and possession of, an individual in accordance with applicable law.

(b) This chapter does not apply when a firearm is carried on the person of, or is otherwise in the immediate control and possession of, a peace officer, as defined in Penal Code sections 830 through 830.65, as may be amended from time to time.

(Ord. No. 2023-17, § II, 10-3-23).

54-22.010 Reporting Theft or Loss to Law Enforcement.

To encourage the reporting of lost or stolen firearms, a person who complies with California Penal Code section 25250 by reporting the loss or theft of a firearm the person owns or possesses to a local law enforcement agency within five days from the time they knew or reasonably should have known the firearm had been lost or stolen shall not be prosecuted for a violation of this chapter.

(Ord. No. 2023-17, § II, 10-3-23).

54-22.012 Penalties for Violations.

(a) A violation of this chapter is a misdemeanor and is punishable by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars, or by both.

(b) No provision of this chapter is intended to supersede or supplant any state or federal law. It is not the intention of this chapter to regulate any conduct if the regulation of that conduct has been preempted by state or federal law.

(Ord. No. 2023-17, § II, 10-3-23).

Division 55 IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

Chapter 55-2 PUBLIC AUTHORITY ESTABLISHED

Article 55-2.2. General

55-2.200 Definitions.

1. "IHSS" means in-home supportive services as described in welfare and institutions code section 12300 (a), (b), et seq.
2. " Provider" means a person who provides in-home supportive services to a recipient.
3. "Recipient" means a person eligible and authorized to receive in-home supportive services under Welfare and Institutions Code Section 12300, et seq.
4. "County" means Contra Costa County.

(Ord. 2001-07 § 1).

55-2.202 Public authority created.

Pursuant to Welfare and Institutions Code Section 12301.6, the Contra Costa County board of supervisors establishes a public authority to provide for the delivery of in-home supportive services.

(Ord. 2001-07 § 1).

55-2.204 Name.

The name of the authority shall be the Contra Costa County in-home supportive services public authority.

(Ord. 2001-07 § 1).

55-2.206 Governing body.

The governing body of the Contra Costa County in-home supportive services public authority is the Contra Costa County board of supervisors.

(Ord. 2001-07 § 1).

55-2.208 Separate entity.

The Contra Costa County in-home supportive services public authority shall be a public entity separate from the county of Contra Costa and shall file the statements required by Government Code Section 53051

(Ord. 2001-07 § 1).

55-2.210 Advisory committee.

The board of supervisors shall appoint an advisory committee to the Contra Costa County in-home supportive services authority. Such advisory committee shall consist of eleven individuals, provided that no fewer than fifty percent of the members of the advisory committee shall be individuals who are current or past users of personal assistance services paid for through public or private funds or recipients of services under Article 7 of Part 3 of Division 9 of the Welfare and Institutions Code.

(Ord. 2001-07 § 1).

Article 55-2.4. Public Authority Powers

55-2.402 Character of public authority.

The Contra Costa County in-home supportive services public authority shall be a corporate public body, exercising public and essential governmental functions, that has all the powers necessary or convenient to carry out the delivery of in-home supportive services in Contra Costa County, including the power to contract for services pursuant to Sections 12302 and 12302.1 of the Welfare and Institutions Code, and to make or provide for direct payment to a provider chosen by the recipient for the purchase of services pursuant to Sections 12302 and 12302.2 of the Welfare and Institutions Code.

(Ord. 2001-07 § 1).

55-2.404 Public authority employees.

Employees of the Contra Costa County in-home supportive services public authority shall not be employees of Contra Costa County for any purpose.

(Ord. 2001-07 § 1).

55-2.406 Authority functions.

The Contra Costa County in-home supportive services public authority shall carry out the following functions:

(1) The provision of assistance to recipients in finding in-home supportive services personnel through the establishment of a registry;

(2) Investigation of the qualifications and background of potential in-home supportive services personnel;

(3) Establishment of a referral system under which in-home supportive services personnel shall be referred to recipients;

(4) Providing for training for providers and recipients. However, the public authority shall not be obligated to provide training directly, to pay for training provided privately or in the community, to pay providers for the time spent in training, to accompany recipients to training, to pay for transportation to training, or to pay for any materials required by the training. The public authority is not obligated to screen or be responsible for the content of any training it informs providers or recipients is available in the community. The public authority is not obligated to ensure that any provider or recipient attend or complete any training;

(5) Performing other functions related to the delivery of in-home supportive services as directed by the board of supervisors;

(6) Ensuring that the requirements of the personal care option pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code are met.

(Ord. 2001-07 § 1).

55-2.408 Service provider employment functions.

The Contra Costa County in-home supportive services public authority shall be deemed to be the employer of in-home supportive services personnel referred to recipients as provided in Section 55-2.406(3), within the meaning of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code, provided, nevertheless, that recipients shall retain the right to select, terminate and direct the work of any in-home supportive services personnel providing services to them.

In order to assure the preservation of the individual provider mode and limit the liability of the public authority, the public authority shall have no authority or jurisdiction to regulate, control or limit the rights and responsibilities of recipients of in-home supportive services to hire, fire or supervise providers. The right to supervise includes, but is not limited to, the right to determine matters such as work schedules, tasks and duties, assignments and direction of work, methods and standards of care and conduct, discipline, provisions for safety and security, control of premises, any in-home living or other accommodations and final resolution of concerns, problems and complaints relating to such supervision. Recipients retain such rights and responsibilities independent of the public authority, just as they held such rights and responsibilities independent of the county prior to the formation of the public authority.

(Ord. 2001-07 § 1).

55-2.410 Recipient selection.

Recipients of in-home supportive services may select in-home supportive services personnel who are not referred to them by the Contra Costa County in-home services public authority. Those personnel shall nevertheless be referred to the public authority for the purposes of wages, benefits and other terms and conditions of employment.

(Ord. 2001-07 § 1).

55-2.412 State responsibilities.

The creation and operation of the Contra Costa County in-home supportive services public authority shall not alter, require the alteration of or interfere with the state payroll system and other provisions of Welfare and Institutions Code Section 12302.2 for individual providers of in-home supportive services, or affect the state's responsibility with respect to unemployment insurance or worker's compensation for providers of in-home supportive services.

(Ord. 2001-07 § 1).

Article 55-2.6. Public Authority Administration

55-2.602 Public authority director.

The director of the Contra Costa County in-home supportive services public authority shall be appointed by the board of supervisors.

(Ord. 2001-07 § 1).

55-2.604 Labor relations.

The Contra Costa County employer-employee relations resolution (board of supervisors' Resolution No. 81/1165), or any succeeding such resolution, shall be applicable respecting the labor relations responsibilities of the Contra Costa County in-home supportive services public authority, provided, nevertheless:

(1) A showing of interest of at least ten percent of the eligible providers, as defined by the public authority, shall be a sufficient showing of interest for any labor organizations to initiate any election or representation procedures established by the public authority for the purposes of certifying an exclusive representative for purposes of collective bargaining;

(2) The public authority shall have a non-strike clause in any and all collective bargaining agreements with providers and personnel of the public authority. The non-strike clause shall continue at least one year beyond the other provisions of any and all collective bargaining agreements;

(3) Any collective bargaining agreement reached between the public authority and any labor organization certified to represent providers shall be subject to the limitations of this chapter and to ratification in its entirety (i.e. all provisions of such agreements shall be subject to the same vote) by a simple majority of votes cast in a ballot in which all eligible providers, as defined by the public authority, shall be qualified to participate. Final adoption of any such agreement shall be by simple majority of the board of supervisors;

(4) The county human resources department is designated as manager of labor relations for the public authority. (Ord. 2001-07 § 1).

55-2.606 County costs.

The costs and expenses of Contra Costa County to provide administrative, legal, labor relations, and other services to the Contra Costa County in-home supportive services authority, and to make payments to or provide benefits for in-home supportive services providers, shall be charged against the funds of the public authority.

(Ord. 2001-07 § 1).

55-2.608 Fiscal provisions.

(1) The establishment and operation of the public authority or application of Government Code Section 3500, et seq., shall not result in payments from the county's general fund beyond the county's annual appropriation for the public authority, if any, which shall be an absolute limit on county cost.

(2) The total of all operating costs, wages and benefits proposed or established by the public authority shall be consistent with the provisions of the county budget. The public authority shall not establish a payment rate, including costs of wages, benefits and operation, until the public authority determines that the funds necessary for the payment rate are legally available. The annual appropriation for the public authority, if any, contained in the county's fiscal budget for any fiscal year shall be an absolute limit on county cost for that fiscal year.

(3) The public authority shall adopt its budget under the same laws, rules and policies that control the county budget process.

(4) The public authority shall not have the authority to agree to or approve any collective bargaining or other agreement that requires an increase in wages or benefits unless there is a state or federal match for such increases. Services shall not be reduced in order to fund the public authority or implementation of Government Code Section 3500, et seq.

(5) The maximum amount of county funds available in any given budget year for the wage and benefit negotiations, if any, shall be set by the board of supervisors as part of the county's annual budget. While the establishment of this figure shall not obligate the county, it shall serve as the absolute limit to county costs for any increases negotiated in collective bargaining taking place that fiscal year. The absolute cap on annual county spending on wage or benefits increases shall not be affected by any potential changes in state or federal reimbursement rates.

(Ord. 2001-07 § 1).

Article 55-2.8. County and Public Authority Liability

55-2.802 No employer liability.

The Contra Costa County in-home services public authority shall be deemed not to be the employer of in-home supportive services personnel referred to recipients under the ordinance codified in this division for purposes of liability due to the negligence or intentional torts of the in-home supportive services personnel.

(Ord. 2001-07 § 1).

55-2.804 No non-referral liability.

The Contra Costa County in-home services public authority shall not be held liable for any action or omission of any in-home supportive services personnel whom the public authority did not list on a registry or otherwise refer to a recipient.

(Ord. 2001-07 § 1).

55-2.806 No county liability.

The county of Contra Costa and the state of California shall be immune from any liability resulting from the implementation of Welfare and Institutions Code Section 12301.6.

(Ord. 2001-07 § 1).

55-2.808 Agency liability.

(1) Any obligation of the Contra Costa County in-home services public authority, whether statutory, contractual or otherwise, shall be the obligation solely of the public authority and shall not be the obligation of the county of Contra Costa or the state of California.

(2) The public authority shall not be held liable for any act or omission of any provider whom the public authority did not list on its registry or otherwise refer to a recipient.

(3) The county shall be immune from any liability resulting from its implementation of this chapter and/or administration of the IHSS program pursuant to Welfare and Institutions Code Section 12301.6.

(4) Any and all contracts, leases or other agreements of any nature, including collective bargaining agreements, between the public authority and third parties other than the county shall contain an express provision advising the third party that the public authority is a separate governmental entity and that such agreement does not bind Contra Costa County.

(5) The public authority shall require any and all third parties contracting with the public authority to indemnify and hold harmless the public authority, to provide the public authority with written acknowledgment of such indemnification, and to maintain adequate levels of insurance, as determined by the county's risk manager, naming the public authority as an additional insured.

(Ord. 2001-07 § 1).

55-2.810 Liability insurance.

Without limiting its indemnification of the county as set forth below, the public authority shall acquire and maintain appropriate insurance in amounts and coverage types to be determined by the county's risk manager to be adequate and shall name the county and the members of the board of supervisors as additional insureds on any policies of insurance maintained by the public authority. Evidence of such insurance shall be provided to the county's risk manager within thirty days of procurement.

(Ord. 2001-07 § 1).

55-2.812 Indemnification.

The public authority shall indemnify, defend and hold harmless the county and its special districts, elected and appointed officers, employees and agents from and against any and all liability, including defense costs and legal fees, and claims for damages of any nature whatsoever, including but not limited to personal injury or property damages, arising from or connected with any act or omission of any officer or employee of the public authority.

(Ord. 2001-07 § 1).

Article 55-2.10. Non-Severability

55-2.1002 Non-severability.

(1) If any section of this chapter, or the application of such section to any person or circumstance, is held invalid, each and every of such provisions of this chapter shall not be deemed severable from the provisions of the ordinance codified in this division establishing the public authority and this chapter shall be held invalid in its entirety.

(2) If this chapter becomes invalid under subsection (1) of this section, the public authority created by this chapter shall cease to exist and the county shall immediately resume the provision of IHSS as were provided prior to the adoption of the ordinance codified in this division.

(Ord. 2001-07 § 1).

Article 55-2.12. Termination

55-2.1202 Termination.

By repeal of this division, the board of supervisors may terminate the Contra Costa County in-home services public authority.

(Ord. 2001-07 § 1).

Division 56 TRANSIENT BUSINESSES

Chapter 56-4 SOLICITORS AND PEDDLERS

Article 56-4.2. Definitions

56-4.202 Person defined.

"Person," as used in this chapter, means and includes the singular and the plural and also means and includes any individual, firm, corporation, association, club, copartnership, joint venture, and any other organization.

(Ord. 1961: prior code § 6221(a): Ord. 1399).

56-4.204 Peddler defined.

"Peddler," as used in this chapter, means and includes any person who travels by foot or by any type of conveyance from door to door, house to house, place to place or street to street, carrying, conveying or transporting food, goods, wares, merchandise or other personal property of any nature whatever, offering or exposing the same for sale or making sales and delivering articles to purchasers, or who without traveling from place to place sells or offers the same for sale from any vehicle or from any place not a permanent store building. "Peddler" means and includes the words "hawker," "huckster" and "itinerant vendor." "Peddler" also means a person offering goods, wares or merchandise for sale or future delivery from a fixed place of business if the goods, wares or merchandise are sold during a temporary or limited period of time, or seasonally.

(Ord. 1961: prior code § 6221(b): Ord. 1399).

56-4.206 Solicitor defined.

"Solicitor," as used in this chapter, means and includes any person who travels either by foot or by any type of conveyance from door to door, house to house, place to place or street to street, taking or attempting to take subscriptions, contracts of sale, or orders for the sale of foods, goods, wares, merchandise or other personal property of any nature whatever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether the person~~he~~ collects advance payments on such sales or not. "Solicitor" includes any person who uses or occupies any building, structure, room, shop, conveyance or other place other than a permanent store building within the county for the purpose of exhibiting samples and taking orders for future delivery. "Solicitor" includes "itinerant merchants," and persons soliciting funds or otherwise peddling or soliciting for religious, political or charitable purposes.

(Ord. 1961: prior code § 6221(c): Ord. 1399).

56-4.208 Engaged in business defined.

"Engaged in business" means the conducting, managing or carrying on of any such business or helping therewith, by any person in any capacity.

(Ord. 71-110 § 8 (part), 1971: Ord. 1961: prior code § 6221(d): Ord. 1399).

Article 56-4.4. Permit—General Requirements

56-4.402 Permit—Required.

It is unlawful for any person to engage in the business of peddler or solicitor within the unincorporated area of the county, or to go from door to door or house to house or street to street within the unincorporated area of the county, for the purpose, direct or indirect, and whether or not the same is the sole purpose, of peddling or soliciting, without first obtaining a permit therefor as provided in this chapter.

(Ord. 1961: prior code § 6220: Ord. 1399).

56-4.404 Permit—Exceptions.

Excepting Sections 56-4.408, 56-4.410 and 56-4.412, this chapter shall not apply to:

(1) Persons soliciting orders from or selling to retail dealers for use, or for resale, or to manufacturers for processing;

(2) Public agencies;

(3) Any person operating a regular route not less than once a week for newspapers or such goods as ice, or egg, dairy or bakery products, or for laundry or dry cleaning services;

(4) Persons regulated and required to be licensed by the state or any of its agencies, while these persons are actually engaged in the activity for which the license is required;

(5) Persons delivering or soliciting for a newspaper of general circulation;

(6) Growers or producers of any agricultural commodity sold or offered for sale on the premises where grown or produced;

(7) Persons soliciting funds or peddling or soliciting goods or publications for the sole and bona fide purpose of propagating a religious or political faith, doctrine or belief or for charitable purposes, provided that persons soliciting funds for such religious, political or charitable purposes turn over not less than seventy-five percent of all funds solicited to such religious, political or charitable purpose.

(Ord. 1961: prior code § 6222: Ord. 1452: Ord. 1399).

56-4.406 Permit—Veterans exempted from fees.

Every member of the armed services of the United States who has received an honorable discharge or has been released from active duty under honorable conditions, and who applies for the permit required in this chapter, shall be issued the permit, if ~~his~~ the application is approved, without payment of the permit application fee, the permit renewal fee or the permit fee. The veteran shall be subject to all other requirements and conditions of this chapter without exception. This exemption shall not apply to any veteran engaging peddlers or solicitors or to any member of the veteran's family or to ~~his~~ the veteran's employees, associates, partners or agents.

(Ord. 1961: prior code § 6226: Ord. 1399).

56-4.408 Permit—Restricted premises.

No person shall peddle or solicit at any premises which are posted with a clearly visible sign bearing the words "No Peddlers or Solicitors" or words of the same import.

(Ords. 83-53, 82-59, 1961: prior code § 6227: Ords. 1399, 1346 § 7).

56-4.410 Permit—Soliciting on vehicles.

Any person who on any railroad train, steamboat or other vehicle solicits patronage for any hotel, vehicle or other business without first having obtained permission in writing from the owner, charterer, lessee or operator of the vehicle is guilty of a misdemeanor.

(Ord. 1961: prior code § 6231: Ord. 1399).

56-4.412 Permit—Activities creating nuisance.

No solicitor or peddler, in the course of activities regulated in this chapter, shall create any public nuisance or disturb the peace and quiet of the neighborhood by the use of loud noise, brilliant lights, or any act offensive to the senses.

(Ord. 1961: prior code § 6232: Ord. 1399).

Article 56-4.6. Permit—Application

56-4.602 Permit—Application—Contents.

Application for the permit required by this chapter shall be by declaration under penalty of perjury in writing on a form to be provided by the sheriff. The applicant shall give the following information and material:

(1) Name, birthdate and description of the applicant;

(2) Permanent home address and local address of the applicant;

(3) The name and address of the applicant's business, ~~his~~ the applicant's interest in or relationship with such business, and if the applicant is employed, the name and address of ~~his~~ the applicant's employer together with credentials establishing the exact relationship between the applicant and such employer;

(4) A brief description of the nature of the applicant's business and of the product or service to be peddled or solicited;

(5) If any food product or substance for human consumption is to be peddled, a statement certifying compliance with Sections 412-4.402 and 412-4.408;

(6) The length of time for which the permit to peddle or solicit is desired;

(7) A statement whether or not the applicant has been convicted of any felony, or of any misdemeanor involving the violation of any municipal ordinance regulating or taxing any business, or of any misdemeanor involving moral turpitude;

(8) Two photographs, two inches by one inch in size, or similar, of the head and shoulders of the applicant; and the applicant's right thumbprint.

(Ord. 1961: prior code § 6223: Ord. 1399).

Article 56-4.8. Permit—Issuance

56-4.802 Permit issuance—Application fee required.

At the time of making application for a permit, the applicant shall pay the sheriff an application fee of five dollars to reimburse the county for the cost of processing the application. No application shall be processed unless the application fee first is paid, and the application fee is not refundable.

(Ord. 1961: prior code § 6224(A): Ord. 1399).

56-4.804 Permit issuance—Health officer investigates.

If the application is for a permit to peddle anything for human consumption, or anything which might endanger the public health, the sheriff shall refer it to the health officer who shall investigate the applicant and the applicant's equipment, facilities, place of business and/or manner of operation of same, as the health officer~~he~~

deems necessary to protect the public health and welfare and to assure compliance with state and county sanitation laws and regulations. The health officer shall note on the application ~~his~~ the health officer's approval or disapproval thereof (including ~~his~~ the health officer's reasons for disapproval based on unsatisfactory results of ~~his~~ the health officer's investigation), and return it to the sheriff.

As used herein, "health officer" includes any subordinate(s) the health officer ~~he~~ designates from time to time for any or all of ~~his~~ the health officer's functions hereunder.

(Ords. 74-67 § 4, 1961: prior code § 6224(b): Ord. 1399).

56-4.806 Permit issuance—Applicant investigation by sheriff.*

The sheriff may make or cause to be made, within a reasonable time after the filing of each such application, an investigation of the moral character and business responsibility of the applicant.

(Ord. 1961: prior code § 6224(c): Ord. 1399).

* For sheriff, see Ch. 24-20, this code.

56-4.808 Permit issuance—Refusal conditions.

If the sheriff finds that the applicant:

(1) Has unsatisfactory moral character and/or business responsibility; or

(2) Has been convicted of a felony or of a misdemeanor involving moral turpitude or of any law regulating or taxing business; or

(3) Is under the age set forth in Labor Code Section 1298 (but no permit shall ever be issued to a person under fourteen nor to a person employing person(s) under sixteen), then the sheriff shall disapprove the application, noting ~~his~~ the sheriff's disapproval and its reasons thereon, notify the applicant thereof, and shall not issue a permit thereon.

(Ord. 71-110 § 8 (part), 1971: Ord. 1961: prior code § 6224(d): Ord. 1399).

56-4.810 Permit issuance—Record kept by sheriff.

If, upon completion of the investigation, the application is approved, and after payment of all fees and posting of all bonds required by this chapter, the sheriff shall issue or cause to be issued a permit addressed to the applicant for the carrying on of the business of peddler or solicitor, and the sheriff shall keep a record showing the number of each permit, the purpose for which it is issued, the name and address of the person to whom it is issued, and the dates of issue and expiration thereof.

(Ord. 1961: prior code § 6224(e): Ord. 1399).

56-4.812 Permit issuance—Renewal provisions.

The permit shall be valid for not more than one year from the date of issue and may be renewed thereafter without further sheriff's investigation upon payment to the sheriff of a renewal fee of five dollars together with the payment of all fees and the posting of all bonds required by this chapter, within one month of the expiration date; provided that renewal shall be conditioned by the sheriff, if required, upon health officer review and approval as provided in Section 56-4.804.

(Ord. 1961: prior code § 6224(f): Ord. 1399).

56-4.814 Permit issuance—Nontransferable.

The permit shall not be transferred to or used by any person other than the applicant.

(Ord. 1961: prior code § 6228: Ord. 1399).

56-4.816 Permit issuance—Display requirements.

Every applicant shall, at all times when engaged in peddling or soliciting activities wear an identification card supplied by the sheriff attached to ~~his~~ their clothing so that it is easily visible to persons ~~he~~ the applicant deals with, and at all times carry the permit issued hereunder and exhibit it on request to any person.

(Ord. 1961: prior code § 6229: Ord. 1399).

Article 56-4.10. Fees and Bonds

56-4.1002 Fees and bonds—Additional fees.

(a) After the approval of a permit application, and before a permit may be issued, in addition to permit application fees and permit renewal fees, the following permit fees shall be payable to the tax collector:

(1) For each person engaging peddlers or solicitors, one hundred fifty dollars per year. In addition to this fee, five dollars shall be paid on account of each peddler or solicitor employed;

(2) For each person acting individually as a peddler or solicitor, sixty dollars per year, payable quarterly in the sum of fifteen dollars, for a three month permit.

(b) Interstate commerce exemption provisions shall be as follows:

(1) Applicants whose peddling or solicitation consists exclusively of the solicitation of orders to be filled solely by interstate shipment on behalf of businesses who do not maintain a place of intrastate business in the state of California are exempt from the permit fee required by subsection (a).

(2) This exemption shall be claimed yearly by filing by the applicant with the tax collector the following declaration, under penalty of perjury:

"I declare that my business activity under the Contra Costa County solicitors' and peddlers' law (Chapter 56-4) will consist exclusively of the solicitation of orders to be filled solely by interstate shipment from businesses who do not maintain a place of intrastate business in the state of California."

(3) Applicants who claim this exemption shall receive a permit restricted to the solicitation of orders to be filled solely by interstate shipment from businesses who do not maintain a place of intrastate business in the state of California; any other peddling or soliciting by such persons without having first paid the permit fee and received an unrestricted permit is prohibited.

(Ord. 1961: prior code § 6225: Ord. 1399).

56-4.1004 Fees and bonds—Liability insurance and bond requirements.

No person shall conduct any business or solicitation or sale of merchandise at a fixed location outside of a permanent building until a solicitor's permit is obtained. In addition to the permit fees and bonds otherwise required, such applicant shall deposit with the sheriff a fifty dollar cash bond to guarantee that on termination of

the activity the premises shall be left clean and sanitary. On termination the sheriff shall inspect the premises. If they have been cleared and left in a sanitary condition, the deposit shall be returned. If not, the sheriff may order the necessary cleaning and pay for the work from the deposit, returning the balance, if any, to the applicant. In addition to the bond guaranteeing that the premises be left clean and sanitary, there shall be filed with the sheriff as to each and every such applicant, a liability insurance policy or bond executed by the applicant as principal and a surety company qualified and authorized to do business in California as surety, in the sum of five thousand dollars to protect adequately the interests of the county and the public. This policy or bond shall bind the obligees that the applicant shall:

(1) Fully comply with the provisions of this chapter and with the provisions of all other applicable regulations of the county and statutes of the state of California concerning the sale of any goods, wares, merchandise, or services subject to this chapter;

(2) Pay all judgments rendered against the applicant for injuries to persons and/or loss or damage to property resulting from the negligent operation of the business of the applicant within the county;

(3) Pay all judgments recovered by any person against the applicant arising out of any misrepresentation or deception practiced upon any person transacting business with the applicant as a peddler or solicitor within the county;

(4) Pay all judgments recovered by any person against the applicant arising from or connected with the applicant's activities as a peddler or solicitor within the county. The policy or bond shall also provide that any person injured by negligent operation of the business or having a claim or cause of action arising from the licensed activity, shall have a right of action directly on the policy or bond. Such policy or bond shall remain in full force and effect for a period of ninety days after the expiration of the permit and any renewal thereof.

(Ord. 1961: prior code § 6230: Ord. 1399).

Article 56-4.12. Enforcement

56-4.1202 Enforcement—Authority.

(a) The sheriff has primary responsibility to enforce this chapter; but the fees provided for herein constitute debts to the county, and the county may bring an appropriate civil action to collect them; and criminal and civil enforcement measures are cumulative and not mutually exclusive.

(b) When the sheriff has reason to believe that any person soliciting funds for religious, political, or charitable purposes is not turning over not less than seventy-five percent of all funds solicited to such religious, political or charitable purposes, ~~he~~ the sheriff shall give notice by personal delivery or mail to any such person soliciting funds or to the religious, political or charitable organization, at whatever addresses are then known to the sheriff. Upon receipt of such notice, further solicitation without a permit is prohibited unless the person soliciting funds or the religious, political, or charitable organization gives proof satisfactory to the sheriff within ten days of the date of delivery of or mailing such notice that at least seventy-five percent of all funds solicited are being turned over to such religious, political, or charitable organization and that the organization is a bona fide religious, political, or charitable organization.

(Ord. 1961: prior code § 6233: Ord. 1399).

56-4.1204 Enforcement—Permit revocation.

Any permit issued pursuant to this chapter may be revoked at any time by the sheriff for any of the following reasons:

(1) Fraud, misrepresentation or false statement contained in the application for a permit, or in the interstate commerce exemption declaration;

(2) Fraud, misrepresentation or false statement made in the course of carrying on the activity authorized by such permit;

(3) Violation of any provision of this chapter;

(4) Conducting the activity authorized by the permit in an unlawful manner, or in such a manner as to cause a breach of the peace or as to constitute a menace to the health, safety, or general welfare of the public;

(5) Conviction of any crime involving moral turpitude;

(6) Finding of any fact, that if known, would have prevented the issuance of the permit;

(7) Failure to pay any judgment arising from or connected with the activities authorized by the permit;

(8) Revocation or suspension of any required health department permits.

(Ord. 1961: prior code § 6234: Ord. 1399).

56-4.1206 Enforcement—Appeal hearing.

Any person aggrieved by any action of the tax collector, sheriff or health officer taken pursuant to this chapter shall have the right to appeal to the board of supervisors. Such appeal shall be taken by filing with the county clerk, within fifteen days after notice of the action complained of has been mailed or delivered to such person, a written statement giving the appellant's name and address and setting forth fully the grounds of such appeal. The clerk of the board of supervisors shall set a time and place for a hearing on such appeal and shall promptly give notice of such hearing to the appellant in writing, delivered or mailed, to the appellant at the appellant's ~~at his~~ last known address at least ten days prior to the date set for such hearing. The decision and order of the board of supervisors on such appeal shall be final.

(Ord. 1961: prior code § 6235).

Chapter 56-7 FORTUNETELLING

56-7.202 Definitions.

Unless otherwise specially provided or required by the context, the following terms have the indicated meanings in this chapter.

(Ord. 76-30).

56-7.204 Fortunetelling.

"Fortunetelling" means actually or purportedly to, or pretending, assuming or undertaking to, or aiding, helping or assisting another person to:

(1) (i) Foretell, foresee or influence a future act, event, condition or situation, or find or restore a lost or hidden thing, condition or situation, whether physical, spiritual, emotional or social, or

(ii) Persuade, induce or procure any person to transfer, assign, convey, donate, devise, bequeath, pledge, mortgage or deposit anything of value;

(2) By means of astrology, augury, card reading, clairaudience, clairvoyance, contacting spirits, crystal-gazing, divination, handwriting or character reading, life reading, magic, mediumship, necromancy, numerology, palmistry, phrenology or the reading of other anatomical features, seership, or by an occult, mystical, psychic or supernatural means, or by means similar to these listed;

(3) Directly or indirectly accepting or asking anything of value therefor as a fee, compensation, gift, gratuity or reward; and it also means to make, sell or give away any charm, talisman, potion, or other magic thing, or anything purporting to be such.

(Ord. 76-30).

56-7.210 License required.

No person shall engage in, carry on, conduct, practice, exhibit, advertise, solicit or do any act of fortunetelling without having a currently valid license therefor and otherwise fully complying with this chapter. Every such person shall apply for such a license and pay the fees therefor, and owes the fees whether or not the person~~he~~ applies.

(Ords. 76-30, 74-41: formerly code § 56-6.002: prior code § 6300: Ords. 391, 341, 225, 63 § 1H, 55 § 1K, 22 § 1M, 20 § 1M, 16 § 4M, 9 § 7, 1 § 6).

56-7.212 Exemption.

This chapter does not apply to:

(1) Any bona fide and nonprofit activity solely of any bona fide and nonprofit religious, scientific or educational organization, including charities registered with the California Attorney General; or

(2) Any activity solely for bona fide entertainment purposes. A verified written claim of exemption shall be filed with the sheriff, who shall grant it if the sheriff~~he~~ finds it in order and not detrimental to the public welfare.

(Ord. 76-30).

56-7.214 Notices.

All notices to the licensee provided for herein may be given by mail to ~~his~~ the licensee's last known residence or licensed address, and are deemed given on the second day after mailing.

(Ord. 76-30).

56-7.216 Sheriff's regulations.

The sheriff may promulgate regulations governing the forms of applications, licenses and notices, the issuance, replacement, and display of the license, and concerning ~~his~~ the sheriff's other functions hereunder, which, when approved by the board, shall be enforceable as though provisions of this chapter.

(Ord. 76-30).

56-7.218 Appeals.

Appeals from actions hereunder shall be governed by Chapter 14-4 of this code.

(Ord. 76-30).

Article 56-7.4. Application

56-7.402 Application.

Every applicant for a license hereunder shall make a verified written application therefor, including the required fees, in a form satisfactory to the sheriff, and containing:

(1) The true names, addresses, any criminal records, fingerprints, and photograph(s) of the applicant (who shall be one natural person) and of all persons financially interested in the business, including but not limited to all persons who share in the profits of the business in any way, and all creditors, mortgagees and lessors;

(2) The location and premises where, and the days and hours when, the fortunetelling will occur;

(3) A statement that the applicant has resided in Contra Costa County for the one year, and the names and addresses ~~he~~ the applicant has used for any businesses or occupations for the five years immediately preceding the application;

(4) Any other information necessary for investigation of the application as required by the sheriff.

(Ords. 76-30: formerly code § 56-6.004: prior code § 6301: Ords. 1429, 341).

56-7.404 Investigations.

Upon receiving a proper application with required fees, the sheriff shall investigate as the sheriff ~~he~~ deems appropriate to ascertain relevant facts, including the applicant's reputation and background.

(Ord. 76-30).

56-7.406 Sheriff's findings and recommendation.

If the sheriff finds that:

(1) The application is complete and truthful;

(2) Neither the applicant nor ~~his~~ the applicant's operation is likely to be injurious to the public welfare, as by victimizing or defrauding suggestible persons or otherwise; and

(3) All applicable laws and ordinances (including zoning regulations) are complied with;

~~he~~ the sheriff shall recommend that the board of supervisors hear the matter.

(Ord. 76-30).

56-7.408 Notice of hearing.

(a) Upon favorable recommendation the sheriff shall arrange for a hearing on the application before the board and shall cause notice to be given to the applicant and the public. The notice shall state the applicant's name and address, and the name, if any, and address of the premises proposed, and the time and place for a public hearing before the board, at which hearing the applicant will present ~~his~~ the applicant's application and any interested person may protest the issuance of the license.

(b) The sheriff shall cause a copy of this notice to be posted conspicuously in front of the premises proposed and conspicuously at two places within five hundred feet of those premises.

(c) The notice shall be posted at least ten days before the hearing date.

(Ord. 76-30).

56-7.410 Hearing.

(a) At the time and place specified in the notice, or at such later time to which the hearing may be continued, the board shall hear the application and any protests of interested persons to the issuance of the license.

(b) The applicant shall have the burden of presenting all necessary evidence from which findings required by this section may be made. The board may order a license granted to an individual for a specific location if it finds that all of the following conditions are satisfied:

(1) That the application has been fully and truthfully completed;

(2) That neither the applicant nor any person financially interested in the business operated on the premises has been convicted of a felony or of any crime involving moral turpitude or dishonesty, and that they are all of good moral character;

(3) That the premises are not located near a school or playground, or a retail, commercial or recreational facility frequented by minors, that the activity will not be detrimental to the welfare of minors;

(4) That the proposed activity will conform with the character of other land uses in the vicinity and will not be detrimental to the health, safety and general welfare of, or create a nuisance or law enforcement problems within, the neighborhood or community.

(Ord. 76-30).

56-7.412 Board order.

(a) If, after the hearing, the board finds the above conditions are satisfied, it may order the sheriff to grant the license, and it may impose such reasonable conditions as it may determine to be necessary in order to effectuate the purposes of this chapter, including but not limited to, the following:

(1) Location, design and lighting of the premises and signs related thereto;

(2) Hours of operation;

(3) Related business on the premises.

(b) Upon annual renewal of a license, the sheriff may require the licensee to comply with any conditions which the board may establish in granting applications after the enactment of this chapter or the granting or renewal of that license.

(Ord. 76-30).

Article 56-7.6 License

56-7.614 Form and requirements.

(a) Nature. The license is only a temporary, personal and nontransferable permit to act within the provisions of this chapter and all other applicable laws and regulations, and always expires no later than one year from its date. It has no validity when it has been seized, suspended or revoked by the sheriff. Any attempt to transfer,

assign, pledge, mortgage or hypothecate the license, or to attach or execute on it, immediately and permanently voids it.

(b) Form. The sheriff shall design the form of license, which shall contain the applicant-licensee's photograph and a disclaimer of responsibility on the part of the county and its officials.

(c) License Information. The licensee shall promptly inform the sheriff of any changes in the information on the application, and the sheriff may require that this include the names and addresses of any employees or associates in the licensed activity.

(Ord. 76-30).

56-7.616 Renewals.

A license may be renewed by the sheriff but only as a new license, upon payment of the renewal fee, with only as much of the application renewed or repeated as the sheriff requires and as much of the hearing process before the board as ~~he~~ the sheriff recommends or the board requires.

(Ord. 76-30).

56-7.618 Bond.

No license shall be issued, and none is valid, unless and while the applicant-licensee has on file with the sheriff a currently valid bond approved by the sheriff, or a cash deposit in the sum of five thousand dollars, payable to the people of the state, or as ordered by a court for the benefit of anyone injured contrary to its conditions, and conditioned that the applicant-licensee will conduct all ~~his~~ the applicant-licensee's licensed activities in a quiet, decent, fair and honest manner and in complete conformity with the laws and regulations of this state and county.

(Ord. 76-30).

56-7.620 Seizure, suspension, revocation.

(a) Whenever the sheriff makes a written finding that there exists or has occurred any violation of this chapter, or of any applicable law or regulation, attributable to the licensee or activities relating to the license, which immediately and seriously endangers the public welfare, ~~he~~ the sheriff may summarily seize the license, or declare it seized, if the sheriff~~he~~ cannot practicably seize it. ~~He~~ The sheriff shall so notify the licensee in writing as soon as practicable, and also orally if practicable. Upon demand by the licensee, the sheriff shall grant a hearing on this subject within forty-eight hours (excluding Saturdays, Sundays and other holidays), and shall then promptly make the sheriff's ~~his~~ written finding and decision whether to reinstate, suspend or revoke the license.

(b) Suspension. After a seizure hearing, or upon the sheriff's written finding that a similar condition exists but where the serious danger is not immediate although impending, the sheriff~~he~~ may suspend the license for not over thirty days and seize it or declare it seized. ~~He~~ The sheriff shall give notice and proceed as for seizures (unless suspension follows a seizure hearing), except that the hearing may be within five business days.

(c) Revocation. After a seizure or suspension hearing, or upon at least ten days' written notice to the licensee, the sheriff may conduct a hearing on revoking the license, which the sheriff~~he~~ may do on ~~his~~ the sheriff's written finding that a condition described in subsection (a) of this section is a serious danger to the public welfare and is so serious, dangerous, flagrant, wilful, long-continued, repeated and/or uncorrectable that

revocation is an appropriate remedy. Such cause may include apparent absconding by the licensee or ~~his~~ the licensee's apparent abandonment of the activity, as well as violations of this chapter.

(d) Notice. If the sheriff is unable to seize the license, as provided for here, ~~he~~ the sheriff shall, and after seizure, suspension or revocation ~~he~~ the sheriff may, post notice of ~~his~~ the sheriff's action on the premises. No person shall remove such notice without authorization during the reasonable period of posting stated therein.

(Ord. 76-30).

56-7.622 Reinstatement.

After the period of a seizure or suspension, the sheriff shall revalidate and return the license for any period remaining of its original term, if the licensee pays the reinstatement fee.

(Ord. 76-30).

Article 56-7.8. Fees

56-7.802 Fees.

(a) General. All fees are nonrefundable and nonproratable, and shall be paid to the tax collector. If any fee is not lawfully and timely paid, the application or license is void.

(b) Application. As the first part of each application, the applicant shall pay an application fee of one hundred dollars.

(c) Year. Before any license is validly issued, the applicant-licensee shall pay an annual fee of two hundred fifty dollars, which shall allow operation for twelve months.

(d) Renewals. Before a license is validly renewed, the licensee shall pay a new application fee plus a new annual fee.

(e) Reinstatements. Before a license is validly reinstated for the remainder of its original period, the licensee shall pay a reinstatement fee of two hundred dollars.

(Ord. 76-30: prior code § 6301: Ords. 1429, 391, 341, 225, 63, 55, 22, 20, 16, 9, 1).

Chapter 56-8 FILMING PERMITS

Article 56-8.2. General

56-8.202 Purpose.

Filming permits shall be granted in accordance with the requirements and procedures set forth in this chapter.

(Ord. 96-39 § 2: Gov. Code, § 14999.21).

56-8.204 Administration.

The director of general services is responsible for administering this chapter, and is authorized to promulgate rules or regulations consistent with and necessary for its efficient administration.

(Ord. 96-39 § 2).

56-8.206 Liaison.

The director of general services or ~~his~~ the director's designee shall work cooperatively with the film industry to expedite the permit process by coordinating all county department reviews and approvals.

(Ord. 96-39 § 2).

Article 56-8.4. Permits

56-8.402 Required.

No person shall engage in commercial motion picture production on public property or requiring public services without obtaining a filming permit pursuant to the provisions of this chapter.

(Ord. 96-39 § 2).

56-8.404 Application.

An applicant for a filming permit may commence the application process by providing all application information to the county by telephone.

(Ord. 96-39 § 2).

56-8.406 Form.

The application and permit shall be on the form developed by the California Film Commission, which must be signed by an authorized representative of the applicant.

(Ord. 96-39 § 2).

56-8.408 Insurance.

The applicant shall, at no cost to county, furnish evidence of comprehensive liability insurance coverage, including coverage of owned and non-owned automobiles, with a minimum combined single limit coverage of at least one million dollars for all damages due to bodily injury, sickness or disease, or death to any person, and damage to property, including loss of use thereof, arising out of each accident or occurrence. The county, its officers and employees shall be named as additional insureds, and coverage shall not be cancelled or reduced in coverage or limits except after thirty days' written notice to county. Evidence of coverage shall be provided on the standardized insurance form approved by the California Film Commission.

(Ord. 96-39 § 2).

56-8.410 Issuance.

(a) Permits shall be issued within the following time limits:

(1) Permits not requiring traffic control exceeding three minutes shall be issued within two working days of completion of application.

(2) Permits requiring traffic control exceeding three minutes shall be issued within four working days of completion of application.

(3) Permits requiring road closures shall be issued within ten working days of completion of application.

(b) An application shall not be deemed complete until all required information is provided, all fees are paid, the application is properly signed, and evidence of adequate insurance coverage is provided to the director of general services.

(Ord. 96-39 § 2).

56-8.412 Hold harmless.

As a condition of obtaining a filming permit, the applicant shall defend, indemnify, save and hold harmless the county and its officers and employees from any and all claims, costs and liability for any damages, injury, or death arising directly or indirectly from or connected with the permit, due to or claimed to be due to negligent or wrongful acts, errors or omissions of the applicant or any person under its control, save and except claims or litigation arising through the sole negligence or sole willful misconduct of the county, and will make good to and reimburse the county for any expenditures, including reasonable attorneys fees, the county may make by reason of such matters and, if requested by the county will defend any such suits at the sole cost and expense of the applicant.

(Ord. 96-39 § 2).

56-8.414 Amendments.

Permits may be amended from time to time to accommodate minor changes to the permit. The amendment shall be in the form of an attachment to the permit. A permit may not be amended or extended after the completion of filming activity.

(Ord. 96-39 § 2).

56-8.416 Copy.

The applicant shall have a copy of the permit on site at all times, and shall make the copy available for inspection by the director of general services or ~~his~~ the director's designee.

(Ord. 96-39 § 2).

56-8.418 Other agencies.

The director of general services shall note on the permit any other local agencies known to the director which may have jurisdiction over the actions authorized by the permit.

(Ord. 96-39 § 2).

Article 56-8.6. Fees

56-8.602 Fees.

The applicant shall pay all required fees, which fees shall reasonably reflect the cost of providing services occasioned by the filming, including permit issuance, administration, police, fire and other necessary services.

(Ord. 96-39 § 2).

56-8.604 Refund.

The director of general services shall establish a cancellation fee, which shall be retained by the county if the applicant cancels the permit after three p.m. of the last working day before the scheduled filming is to commence.

(Ord. 96-39 § 2).

Division 58 CABLE SYSTEMS

Chapter 58-2 GENERAL PROVISIONS

58-2.002 Purpose.

The purpose of this division is to promote competition in the cable industry, facilitate the development of cable infrastructure, minimize aesthetic impacts and damage to public property, provide for the payment of reasonable compensation for the commercial use of public property, and establish customer service standards.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-2.004 Definitions.

All of the following definitions shall be construed liberally for the purpose of maximizing the scope of this division.

(1) "Affiliate" means any subsidiary of the operator, any parent of the operator, any person in which the operator has a financial interest, and any person who is directly or indirectly under common control with the operator. June 29, 2006

(2) "Basic cable service" means the basic tier of service offered by the operator in accordance with 47 U.S.C. 543(b)(7).

(3) "Cable operator" or "operator" means any person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system. Cable operator includes, but is not limited to, affiliates of a cable operator who perform cable services through the operation of the cable system within the franchise area.

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

(5) "Cable system" or "system" means the facility proposed to be built, rebuilt, upgraded and/or operated by an operator, which shall consist of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming, and which is provided to multiple subscribers within the county, but such term does not include: (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves subscribers without using any public rights-of-

way within the county; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. Sections 201, et seq., except that such facility shall be considered a cable system (other than for purposes of 47 U.S.C. Section 541(c)) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interaction or on-demand services; (D) an open video system that complies with 47 U.S.C. Section 573; or (E) any facilities of any electric utility used solely for operating its electric utility system.

(6) "FCC" means the Federal Communications Commission, its designee, or any successor governmental entity thereto.

(7) "Franchise" means a non-exclusive authorization granted pursuant to this division and applicable law to construct, operate, and maintain a cable system within the public rights-of-way to provide cable service within all or a specified area of the county. Any such authorization, in whatever form granted, shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within the county as required by state or county laws, ordinances or regulations, or for attaching devices to poles or other structures, whether owned by the county or a private entity, or for excavating or performing other work in or along public rights-of-way, public property or private property.

(8) "Franchise agreement" means a contract entered into pursuant to this division between the county and a cable operator that sets forth, subject to this chapter, the terms and conditions under which a franchise will be granted and exercised.

(9) "Franchisee" means a person that has been granted a franchise by the county in accordance with the provisions of applicable law.

(10) "Gross revenues" means all revenues derived directly or indirectly by the franchisee or any affiliate of the franchisee from the operation of the cable system to provide cable services in the county. Gross revenues shall include, without limitation, the following: (i) fees charged to subscribers for basic service, cable programming service, premium service, pay-per-view programming, video-on-demand programming, a la carte programming, or other cable service; (ii) installation, disconnection, reconnection and change-in-service fees; (iii) franchise or license fees; (iv) late fees; (v) administrative fees, including FCC regulatory fees; (vi) charges for the rental or sales of converters and other equipment to subscribers; (vii) advertising revenues (excluding commissions paid to or retained by advertising agencies), provided, however; that revenues generated from advertising sales extending beyond the franchise area shall be prorated on a per subscriber basis, so that no revenues are double-counted, or attributed to more than one local governmental entity for purposes of calculating franchise fees; (viii) leased access channel fees; (ix) revenues for program guides; (x) studio and production equipment rental fees; and (xi) revenues from home shopping channels. Gross revenues shall be calculated in accordance with generally accepted accounting principles. Gross revenues do not include (i) actual bad debt, provided, however, that all or a part of any actual bad debt that is written off but subsequently collected shall be included in gross revenues in the period collected; (ii) the value of free cable services provided to employees of the franchisee; (iii) the value of advertising time on the cable system provided as consideration in barter transactions; (iv) PEG access capital support collected by the franchisee on behalf of the county; (v) any taxes on services furnished by the franchisee which are imposed directly by the state of California, the county, or other governmental unit, and which are collected by the franchisee on behalf of said governmental unit; or (vi) amounts received from programmers as reimbursement of marketing expenses and launch fees.

(11) "Normal operating conditions" means those conditions that are within the control of the cable operator. Conditions that are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions that are within the control of the cable operator include, but

are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

(12) "Person" means an individual, partnership, association, joint stock company, limited liability company, trust, corporation, or government entity.

(13) "PEG" means public, educational and governmental.

(14) "Public rights-of-way" means the surface of and the space above and below each of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the county limits: streets, roadways, highways, avenues, paths, lanes, alleys, sidewalks, boulevards, easements, rights-of-way, and similar public property and areas that the county shall permit to be included within this definition from time to time. No reference herein to a "public right-of-way" shall be deemed to be a representation or guarantee by the county that its interest or other right to control the use of such property is sufficient to permit use of the property for the purpose of installing, operating, and maintaining a cable system. A cable operator shall be deemed to gain only those rights to use the property as are properly in the county, in its sole determination, and as the county may have the undisputed right and power to give.

(15) "Subscriber" means any person who or which lawfully elects to become a recipient of cable service in a manner consistent with the operator's applicable terms of service.

(16) "Transfer" is any transaction in which (i) the franchise or the rights and obligations held by the operator under the franchise are transferred or assigned to another person or group of persons; or (ii) there is a change in the direct or indirect control of the system, the franchise or the operator. The term "control," as used herein, means working control, in whatever manner exercised. By way of illustration, and not limitation, the addition, deletion or other change of any general partner of the operator, or a cable operator of the cable system is such a change of control.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-2.006 Title.

This division shall be known as the "Cable Television Ordinance" of the county of Contra Costa.

(Ords. 2006-65 § 3, 93-55, 82-28, 78-73, 1995, 1980: prior code § 6400: Ords. 1431, 696).

Chapter 58-4 CABLE TELEVISION

Article 58-4.2. Franchising Procedures

58-4.202 Franchise required.

No person shall establish, construct, operate, or maintain within this county a cable system unless a franchise has been obtained pursuant to the provisions of this division, and unless such franchise is in full force and effect.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.204 Granting.

The board of supervisors may grant one or more nonexclusive revocable franchises to establish, construct, operate and maintain cable systems within the county. A franchise shall be effective only upon execution of a franchise agreement between the county and a cable operator and compliance with all requirements of this code. In the event of any conflict between the express terms of this division and a franchise agreement, including any amendments to this division, the terms of such an agreement shall prevail, except with respect to matters falling within the scope of the county's police powers.

(Ords. 2006-65 § 3, 93-55).

58-4.206 Term of franchise.

A franchise shall be granted a term as specified in the franchise agreement, but in any event not greater than fifteen years.

(Ords. 2006-65 § 3, 93-55).

58-4.208 Franchise characteristics.

(1) A franchise authorizes use of public rights-of-way for installing cables, wires, lines, optical fiber, underground conduit, and other devices necessary and appurtenant to the operation of a cable system to provide cable service within a franchise area, but does not expressly or implicitly authorize a cable operator to provide service to, or install a cable system on, private property without the owner's consent or to use publicly or privately owned conduits or any public property other than the public rights-of-way without a separate agreement with the owners thereof.

(2) A franchise shall constitute both a right and an obligation to provide the cable services regulated by the provisions of this division and a franchise agreement.

(3) A franchise is non-exclusive and shall not: explicitly or implicitly preclude the issuance of other franchises to operate cable systems within the county; affect the county's right to authorize use of public rights-of-way or county-owned property by other persons to operate cable systems or for other purposes as the county deems appropriate; or affect the county's right to itself construct, operate, or maintain a cable system.

(4) All privileges prescribed by a franchise shall be subordinate to (without limitation) the county's use and prior lawful occupancy of the public rights-of-way or public property.

(5) The county reserves the right to reasonably designate, in accordance with its generally applicable procedures, where a cable operator's facilities are to be placed within the public rights-of-way or on any county-owned property the cable operator is otherwise authorized to use, and to resolve any disputes among users of the public rights-of-way or such county-owned property.

(6) A franchise authorizes use of the public rights-of-way for the installation and operation of a cable system to provide cable service within a franchise area. The county reserves its rights with respect to the regulation of telecommunications services and facilities, and to the extent allowed by applicable law, reserves the right to adopt a telecommunications ordinance.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.210 Franchise applications.

All applicants for a new franchise shall submit a written application to the county. All applicants shall be expected to offer to subscribers a modern, efficient, cost-effective system that will facilitate high-quality maintenance, deliver a variety of programming and services, and provide the flexibility needed to adjust to changing technology and new developments in the industry. Applicants are encouraged to formulate their proposals in an innovative fashion, so as to meet the informational requirements of the county and the service needs of subscribers. Proposals shall contain sufficient material to enable the board of supervisors to make fully informed judgments concerning the adequacy of the proposal and the applicant's qualifications to construct, operate and maintain a cable system in the county. All applicants shall, at a minimum, provide the following information unless waived by the county administrator:

(1) The name, address and form of business of the applicant, and an identification of the ownership and control of the applicant, including: the names and addresses of the ten largest holders of an ownership interest in the applicant and affiliates of the applicant, and all persons with five percent or more ownership interest in the applicant and its affiliates; the persons who exercise working control over the applicant and its affiliates, and the persons who control those persons, to the ultimate parent; all officers and directors of the applicant and its affiliates; and any other business affiliation and cable system ownership interest of each named person.

(2) A description of the cable services that are or will be offered or provided by the applicant over its existing or proposed facilities.

(3) A description of the transmission facilities that will be used by the cable operator to offer or provide such cable services.

(4) Preliminary engineering plans, specifications and a network map of the facilities to be located within the county, all in sufficient detail to identify:

(a) The location and route requested for applicant's proposed cable facilities, including a description of the miles of plant to be installed, and a description of the size of equipment cabinets, shielding and electronics that will be installed along the plant route, the power sources that will be used, and a description of the noise, exhaust and pollutants, if any, that will be generated by the operation of the same;

(b) The location of all overhead and underground public utility, telecommunication, cable, water, sewer drainage and other facilities in the public rights-of-way along the proposed route;

(c) The location(s), if any, for interconnection with the facilities of other cable operators;

(d) The specific trees, structures, improvements, facilities and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate.

(5) If applicant is proposing to install overhead facilities, evidence that surplus space is available for locating its cable facilities on existing utility poles along the proposed route.

(6) If applicant is proposing an underground installation in existing ducts or conduits within the public ways, information in sufficient detail to identify:

(a) The excess capacity currently available in such ducts or conduits before installation of applicant's cable facilities;

(b) The excess capacity, if any, that will exist in such ducts or conduits after installation of applicant's cable facilities.

(7) A preliminary construction schedule and completion dates.

(8) Financial statements prepared in accordance with generally accepted accounting principles by a certified public accountant or other accountant satisfactory to the county demonstrating the applicant's financial ability to construct, operate, maintain, relocate and remove the facilities. If in the normal course of its business, the applicant does not prepare a separate financial statement for the cable system, the applicant may submit a combined financial statement for the local region, which statement shall include the cable system.

(9) Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the facilities and services described in the application, including identification of key personnel.

(10) Information to establish the applicant's legal qualifications, including evidence that it has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide cable service.

(11) A detailed description of all other services that the applicant intends to provide and sufficient information to determine whether such services are subject to franchising.

(12) An accurate map showing the location of any existing facilities in the county that applicant intends to use or lease.

(13) A description of the services or facilities that the applicant will offer or make available to the county and other public, educational and governmental institutions.

(14) A description of applicant's access and line extension policies.

(15) A written description and detailed map of the exact area or areas of the county the applicant desires to serve and a schedule for build-out to the entire franchise area.

(16) The number of activated, programmed channels that the applicant intends to provide together with the programming that the applicant intends to provide.

(17) All fees, deposits or charges required pursuant to Section 58-4.212, Application fee, hereof.

(18) Such other and further information as may be requested by the county administrator. If a franchise is granted to a person who is acting on behalf of another or presenting its qualifications for the benefit of another and such information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.212 Application fee.

An application fee for a new or renewal franchise or for transfer of a franchise may be required in the amount established from time to time by resolution of the board of supervisors, to the extent consistent with applicable law.

(Ords. 2006-65 § 3, 93-55).

58-4.214 New franchise procedure.

Upon receipt of an application for a new franchise, the board of supervisors may, by resolution, approve or conditionally approve a franchise agreement with the applicant or deny the application. In making any determination hereunder as to any application, the board of supervisors shall give due consideration to: the quality of the service proposed; rates to subscribers; experience, character, background and financial responsibility

of the applicant, its management and owners; system design; technical and performance quality of equipment; willingness and ability to meet construction requirements and to abide by franchise limitations and requirements; and other considerations deemed pertinent by the board of supervisors for safeguarding the interests of the county and the public.

(Ords. 2006-65 § 3, 93-55).

58-4.216 Franchise renewal procedure.

(1) The procedure for franchise renewal shall be in accordance with applicable federal and state statutes.

(2) In the absence of any federal or state statute specifically governing franchise renewal procedures, the following procedure shall apply, to the extent consistent with applicable law.

(a) At any time between twenty-four months and twelve months prior to the expiration of a franchise, a cable operator may apply for renewal of its franchise. Such application shall be made under the provisions of Sections 58-4.210, Franchise applications, through 58-4.212, Application fee.

(b) Within twelve months of receipt of a completed application for renewal, the board of supervisors shall hold a public hearing having afforded the operator reasonable notice of such hearing. After this public hearing, the board of supervisors shall grant or deny the application, basing its decision on the following factors:

(i) The operator's substantial compliance with the material terms of the existing franchise and applicable law;

(ii) The quality of the operator's services to its subscribers, including signal quality, response to consumer complaints and billing practices, but without regard to the mix or quality of cable services provided over the cable system, has been reasonable in light of community needs;

(iii) Present and future cable-related community needs and interests of the operator's current and potential subscribers, taking into account the cost of meeting such needs and interests;

(iv) The operator's financial, legal and technical qualifications to provide the services, facilities and equipment as set forth in the operator's proposal; and

(v) Such additional factors as the board of supervisors considers relevant to the renewal of the franchise.

(c) In any renewal proceeding, the operator shall be afforded adequate notice and shall be afforded fair opportunity for full participation. The operator at its election and expense may have a transcript made of any such proceeding.

(d) The board of supervisors, after a public hearing, may grant or deny a renewal application based on the criteria set forth in this section. The board of supervisors shall grant or deny such application by resolution and, where the application is denied, the board of supervisors shall state the reasons therefor.

(Ords. 2006-65 § 3, 93-55).

58-4.218 Assignment and transfer.

The county shall select persons to whom it issues a franchise based upon the unique technical skills and talents of such persons to operate a cable communications system as well as upon such persons' relevant experience and financial condition. As such, a franchise is personal to the franchisee and the identity of a

franchisee is a material part of the county's decision to issue a franchise. The granting of approval for a transfer in one instance shall not render unnecessary approval of any subsequent transfer.

(Ords. 2006-65 § 3, 93-55).

58-4.220 Transfer of ownership.

(1) Board of Supervisors Approval Required. No transfer shall occur unless prior application is made by the operator to the county and the board of supervisors' prior written consent is obtained, pursuant to the operator's franchise agreement and this cable ordinance. Any such transfer without the prior written consent of the board of supervisors shall be considered to impair the county's assurance of due performance, and shall be invalid. The granting of approval for a transfer in one instance shall not render unnecessary approval any subsequent transfer.

(a) Application. An operator shall promptly notify the county administrator of any proposed transfer. If any transfer should take place without prior notice to the county administrator, the operator shall promptly notify the county that such a transfer has occurred. At least one hundred twenty calendar days prior to the contemplated effective date of a transfer, the operator shall submit to the county administrator an application for approval of the transfer. Such an application shall provide complete information on the proposed transaction, including details of the legal, financial, technical, and other qualifications of the new controlling entity or transferee, and on the potential impact of the transfer on subscriber rates and service. At a minimum, the following information shall be included in the application, provided that, the operator is not required to duplicate information that it submits to the county administrator to comply with its obligations under federal or state law:

i. All information and forms required under federal law;

ii. All information required by this division;

iii. Any contracts or other agreements that relate to the proposed transaction, and all documents, schedules, exhibits, or the like referred to therein; and

iv. Any shareholder reports or filings with the Securities and Exchange Commission that discuss the transaction.

(b) Supplemental Information. The county shall notify an operator of any insufficiency in the information provided in the application within thirty days after receipt thereof. The failure of the county to so notify operator of such insufficiency shall result in the application being deemed complete. For the purposes of determining whether it shall consent to a transfer, the county or its agents may inquire into the qualifications of the prospective controlling entity or transferee and such other matters as the county may deem necessary to determine whether the transfer is in the public interest and should be approved, denied, or conditioned as provided under this division. Notwithstanding whether the application has been deemed complete, the county may request additional information related to the proposed transaction to the extent permitted by applicable law.

(2) Determination by County. In making a determination as to whether to grant, deny, or grant subject to conditions, an application for a transfer, the county may consider, without limitation, the legal, financial, technical and other qualifications of the proposed controlling entity or transferee to operate the cable system; whether the operator is in compliance with its franchise agreement and this division, and, if not, the proposed controlling entity transferee's commitment to cure such noncompliance; and whether operation by the proposed controlling entity or transferee or approval of the transfer would adversely affect the public health, safety, or welfare of subscribers or the public.

(3) Transferee's Agreement. No application for a transfer of the franchise shall be granted unless the proposed controlling entity or transferee agrees in writing that it will abide by and accept all terms of its franchise agreement and this division and that it will assume the obligations, liabilities, and responsibility for all acts and omissions, known and unknown, of the previous operator under its franchise agreement and this division, for all purposes, including renewal.

(4) Approval Does Not Constitute Waiver. Approval by the county board of a transfer does not constitute a waiver or release of any of the rights of the county under a franchise agreement or this division, whether arising before or after the date of the transfer.

(5) Exception for Intra-Company Transfers. Notwithstanding the foregoing, a transfer to an affiliate of the franchisee shall be excepted from the requirements of this section where (i) the affiliate is wholly-owned and managed by the same ultimate parent as the transferor; and (ii) the transferee affiliate:

(a) Notifies the county within thirty days of the transfer and, at that time, provides the agreements and warranties required by this section, describes the nature of the transfer, and submits complete information describing who will have direct and indirect ownership and control of the cable system after the transfer;

(b) Warrants that it has read, accepts and agrees to be bound by each and every term of the franchise agreement and related amendments, regulations, ordinances and resolutions then in effect;

(c) Agrees to assume all responsibility for all liabilities, acts and omissions, known and unknown, of its predecessor franchisee(s), for all purposes, including renewal;

(d) Agrees that the transfer shall not permit it to take any position or exercise any right which could not have been exercised by its predecessor franchisee(s);

(e) Warrants that the transfer will not substantially increase the financial burdens upon or substantially diminish the financial resources available to the franchisee (the warranty to be based on comparing the burdens upon and resources that will be available to the transferee compared to its predecessors), or otherwise adversely affect the ability of the franchisee to perform;

(f) Warrants that the transfer will not in any way adversely affect the county or subscribers;

(g) Notifies the county that the transfer is complete within five business days of the date the transfer is completed; and

(h) Agrees that the transfer in no way affects any evaluation of its legal, financial or technical qualifications that may occur under the franchise or applicable law after the transfer, and does not directly or indirectly authorize any additional transfers.

(6) The county's consent to a transfer shall be required upon foreclosure or other judicial sale of all or a substantial part of the system or upon the termination of a lease covering all or a substantial part of the system, and the cable operator shall notify the county. The notification shall be deemed notice of a change in control of the cable operator, which shall require the approval of the county board of supervisors.

(7) The board of supervisors shall approve, conditionally approve or deny a transfer following receipt of all required materials within the period required under federal law, if any, unless an extension is agreed to by the county and the cable operator. Conditions of approval by the board of supervisors may include, but are not limited to, the following: (a) resolution of any outstanding franchise violations or performance deficiencies; (b) payment of any outstanding franchise fees; (c) filing of any appropriate bonds, insurance endorsements, letters of credit or guarantees; and (d) written assumption of all obligations of the transferor by the transferee.

(8) Within thirty days after the date of the resolution approving transfer of the franchise, or within such extended period of time as the board of supervisors in its discretion may authorize, the transferee shall file

with the clerk of the board of supervisors its written acceptance of the franchise, in a form satisfactory to the county, together with all required bonds and insurance certificates, and its agreement to be bound by and to comply with and to do all things required of it by the provisions of this division and the franchise award resolution. Such acceptance and agreement shall be acknowledged by the transferee before a notary public and shall be in a form and content satisfactory to and approved by the county counsel.

(9) Revocation Following Bankruptcy.

(a) Notwithstanding any other provision of this division, a franchise will automatically terminate by force of law one hundred twenty calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of the franchisee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors, or other action or proceeding.

(b) However, the franchise may be reinstated if, within the one hundred twenty day period:

(i) The assignment, receivership or trusteeship is vacated; or

(ii) The assignee, receiver, or trustee has fully complied with the terms and conditions of this article and the franchise and has executed an agreement, approved by a court having jurisdiction, assuming and agreeing to be bound by the terms and conditions of the franchise agreement and this code.

(10) Revocation Upon Foreclosure.

(a) Notwithstanding any other provision of this chapter, in the event of foreclosure or other judicial sale of any of franchisee's facilities, equipment, or property, the county may revoke a franchise after a public hearing before the board of supervisors, by serving notice upon the franchisee and the successful bidder at the sale.

(b) The franchise will be revoked and will terminate thirty calendar days after serving such notice, unless:

(i) The county approves the transfer of the franchise to the successful bidder; and

(ii) The successful bidder agrees with the county to assume and be bound by the terms and conditions of the franchise and applicable law.

(11) Failure to comply with the requirements of this section is a material breach of this division, subject to the remedies provided for herein.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.222 Unauthorized operation of cable system.

Any person occupying the public rights-of-way of the county for the purpose of operating or constructing a cable system, which person does not hold a valid franchise from the county, shall be subject to all provisions of this chapter, including, but not limited to, those provisions regarding construction, technical standards and franchise fees. The county at any time may require such person to obtain a franchise agreement within thirty days of receipt of a written notice from the county that a franchise agreement is required; require such person to remove its property from the public rights-of-way, and, at such person's sole expense, restore the area to a condition satisfactory to the county within a reasonable time period as the county shall determine; remove the property itself and restore the area to a satisfactory condition and charge the person the costs therefor; and/or take any other action permitted by law, including, but not limited to, filing for and seeking damages for trespass. In no event shall a franchise be created unless it is issued by action of the board of supervisors and the franchise terms are set forth in a franchise agreement. If a cable operator operates a cable system without first obtaining a valid franchise

from the county, the cable operator shall forfeit to the county all gross revenues from the system for so long as such unauthorized operation continues.

(Ords. 2006-65 § 3, 93-55).

58-4.224 Acts at cable operator's expense.

Any act that a cable operator is or may be required to perform under this chapter, a franchise agreement, or applicable law shall be performed at the cable operator's expense, unless expressly provided to the contrary in this division, a franchise agreement, or applicable law.

(Ord. 2006-65 § 3).

58-4.226 Eminent domain.

Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the county's rights of eminent domain to the extent to which such rights may apply to any cable system or franchise.

(Ords. 2006-65 § 3, 93-55).

58-4.228 Annexations.

Within thirty days after annexation of areas to the county which are served by a cable operator who does not have a franchise from the county, the cable operator shall apply for a new franchise. Pending consideration of such a franchise, the cable operator shall comply with each and every provision of this article, including but not limited to the franchise fee requirement. If a newly annexed area is not actively served by a cable operator, the cable operator(s) serving the area within the county contiguous to the newly annexed area shall provide service to that area within a reasonable time, subject to the provisions of any applicable franchise agreement, provided that the cable operator may request relief from this requirement upon a showing that it would be economically infeasible to extend service to that area.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.230 Joint exercise of powers agreement.

Should a joint exercise of powers agreement (Gov. Code, Section 6500 et seq.) or similar agreement be entered between the county and any other jurisdiction in accordance with law providing for the joint regulation of cable operators and cable services or other cooperative arrangements, involved cable operators shall be governed by, and subject to that agreement, pursuant to this division's provisions, provided that no such joint powers agreement shall impair any right or obligation of the cable operator under a franchise agreement.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.232 Cable operator subject to other laws, police power.

(1) A cable operator at all times shall be subject to and shall comply with all applicable federal, state, and local laws, subject to Section 58.4-204, Granting. A cable operator at all times shall be subject to all lawful exercise of the police power of the county, including but not limited to all rights the county may have under 47 U.S.C. Section 552. Nothing in a franchise agreement shall be deemed to waive the requirements of the various

codes, ordinances, policies, rules, regulations, and practices of the county and the board of supervisors, subject to the operator's lawful rights under its franchise agreement.

(2) No course of dealing between a cable operator and the county, or any delay on the part of the county in exercising any rights hereunder, or any acquiescence by the county in the actions of a cable operator that contravene any of the county's rights (except to the extent such rights are expressly waived by the county in writing), shall operate as a waiver of any such rights of the county.

(3) The county shall have the maximum authority to regulate cable systems, cable operators, and franchises as may now or hereafter be lawfully permissible; unless rights are expressly waived in a franchise agreement, they are reserved, whether expressly enumerated or not.

(4) The county administrator and the board of supervisors may, from time to time, issue such rules and regulations concerning cable systems as are consistent with, or authorized by, applicable law.

(5) The county administrator and the board of supervisors may do all things which are necessary and convenient in the exercise of their jurisdiction under this division.

(Ord. 2006-65 § 3).

58-4.234 Interpretation of franchise terms.

(1) The provisions of this division and any franchise agreement shall be liberally construed in order to effectuate the purposes and objectives of this division and the franchise agreement and to promote the public interest.

(2) Subject to federal law or regulation, a franchise agreement shall be governed by and construed in accordance with the laws of the state of California.

(Ord. 2006-65 § 3).

Article 58-4.4. County Administration of Franchise

58-4.402 Administration.

The office of the county administrator is designated as having primary responsibility for the administration of every cable franchise and this article. Whenever a right may be exercised under this article by the county or the county administrator, such right may also be exercised by a designated employee. No such delegation shall be deemed to constitute a delegation of legislative authority.

(Ords. 2006-65 § 3, 93-55).

58-4.404 Basic service.

The lowest priced level of cable service shall be available to all subscribers. No subscriber shall be required to purchase any other service as a prerequisite to purchasing such level of service. Unless otherwise provided in a franchise agreement, the lowest priced level of service shall include all public, educational and government channels at no extra charge.

(Ords. 2006-65 § 3, 93-55).

58-4.406 Performance evaluation sessions.

The county and each cable operator shall hold scheduled performance evaluation sessions to the extent specified in the franchise agreement.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.408 Cable service to public buildings occupied by public agencies.

A franchise agreement may include provisions regarding installation of service outlets in buildings occupied by public agencies within the franchise area, and provision of service to such facilities, subject to negotiation between the parties and applicable law.

(Ords. 2006-65 § 3, 93-55).

58-4.410 PEG channels.

Subject to negotiation between the parties and applicable law, a franchise agreement may provide that a cable operator shall make available one or more dedicated channels on its cable system for purposes of public, educational and governmental access, as set forth in the franchise agreement. Such channels shall be available on the lowest tier of basic service, to the extent consistent with the applicable franchise agreement. Such channels shall not be used for any advertisements or commercial programming without the permission of the county.

(Ords. 2006-65 § 3, 93-55).

58-4.412 PEG facilities.

A franchise agreement may include provisions regarding facilities, services and equipment for use in relation to public, educational and governmental access.

(Ords. 2006-65 § 3, 93-55).

58-4.414 Institutional network.

A franchise agreement may include provisions regarding construction and use of institutional networks.

(Ord. 2006-65 § 3).

58-4.416 Public access usage management.

Nothing in this section shall prevent the county from delegating to an independent nonprofit entity such as a commission or nonprofit corporation the authority to manage all or any part of the county's PEG facilities, programming and/or funds. The commission or nonprofit corporation may be established jointly with neighboring jurisdictions at the county's sole option.

(Ords. 2006-65 § 3, 93-55).

58-4.418 Leased access.

A cable operator shall provide leased access channels as required by federal law.

(Ord. 2006-65 § 3).

58-4.420 Interconnection.

A franchise agreement shall contain provisions related to the interconnection of a cable operator's cable system with other cable systems.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.422 Emergency override.

To provide an emergency alert capability, each cable operator shall install and maintain an emergency alert system which allows the county to simultaneously override audio signals and broadcast emergency messages on all television channels, as provided by the terms of its franchise agreement.

(Ords. 2006-65 § 3, 93-55).

58-4.424 Tree trimming.

When trimming trees, a cable operator shall comply with all county regulations applicable to utilities.

(Ord. 2006-65 § 3).

58-4.426 Removal and abandonment of cable system.

In the event that a franchise is terminated or expires without being renewed, or if all or a portion of a cable system is not used for a period of ninety days, the cable operator shall either remove the cable system or the abandoned portion thereof or shall obtain the permission of the director of community development to abandon the cable system in place within ninety days. The cable operator shall obtain an encroachment permit prior to removing the cable system.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.428 Acquisition of cable system.

Notwithstanding the granting of a franchise, the county retains the right to acquire the cable system at any time by negotiated sale or eminent domain, and retains the right to resell the cable system to any third party. If the county denies the renewal of a franchise, the county may acquire the cable system at a price not to exceed fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the franchise. If the county revokes a franchise, the county may acquire the cable system at an equitable price.

(Ord. 2006-65 § 3).

Article 58-4.6. Customer Service

58-4.602 Continuity of service.

(1) Subscribers have the right to receive, and a cable operator has the obligation to provide, efficient service, high-quality reception, prompt repairs and service interrupted only for good cause and for the shortest possible time. It shall be the right of all subscribers to continue receiving service insofar as they have met financial and other obligations to the cable operator. In the event that the cable operator elects to over build, rebuild, modify, or sell the system, or the board of supervisors gives notice of intent to terminate or fails to renew this franchise, the cable operator shall act so as to ensure that all subscribers receive continuous, uninterrupted service.

(2) Upon the expiration, revocation or termination of the franchise, the operator shall, upon request of the county, continue to operate the cable system for a period of time not to exceed six months from the date of such expiration, revocation or termination under the terms and conditions of this division and its franchise agreement and to provide the regular subscriber service and any and all of the services that may be provided at that time, and to retain all revenues received after payment of all costs and expenses arising in the ordinary course of business prior to the expiration, revocation, or termination.

(3) A cable operator shall forfeit its rights to notice and a hearing, and the board of supervisors may, by resolution, declare its franchise immediately terminated, in addition to any other relief or remedies the county may have under this division, a franchise agreement, or other applicable law, if:

(a) The cable operator fails to provide cable service in accordance with its franchise over a substantial portion of the franchise area for ninety-six consecutive hours, unless the county authorizes a longer interruption of service or the failure is due to force majeure, as characterized in a franchise agreement; or

(b) The cable operator, for any period, willfully, and without cause refuses to provide cable service in accordance with its franchise over a substantial portion of the franchise area.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.604 Nondiscriminatory services.

(1) A cable operator shall comply at all times with all applicable laws, rules, and regulations including the terms of its franchise relating to nondiscrimination.

(2) All of a cable operator's rates and charges shall be published and nondiscriminatory. Except as provided hereunder, a cable operator shall establish rates and charges for all subscribers without regard for race, color, religion, age, sex, marital or economic status, national origin, sexual orientation, political ideology, creed, ancestry; the presence of any sensory, mental or physical handicap; or geographic location within the cable operator's franchise area (except as permitted by any provision of a franchise agreement related to the length of subscriber drops or line extensions). Nothing in this section shall be construed to prohibit the temporary reduction or waiving of rates and charges in conjunction with promotional campaigns or discounted rates for provision of cable services to multiple unit buildings. Notwithstanding the foregoing, the cable operator may offer service to senior citizens at discounted rates.

(3) A cable operator shall not deny cable service, or otherwise discriminate against subscribers, PEG access programmers or any other persons on the basis of type of dwelling unit, race, color, religion, age, sex, marital or economic status, national origin, sexual orientation, political ideology, creed, ancestry; the presence of any sensory, mental or physical handicap; or geographic location within the franchise area (except as permitted by any provision of a franchise agreement related to the length of subscriber drops or line extensions).

(4) A cable operator shall not take any retaliatory action against a subscriber because of the subscriber's exercise of any right it may have under federal, state, or local law, nor may the cable operator require a subscriber to waive such rights as a condition of service.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.606 Local office.

A franchise agreement may require a cable operator to maintain a local business office in a location specified in the franchise agreement which shall be open during the hours specified in the franchise agreement.

(Ords. 2006-65 § 3, 93-55).

58-4.608 Line extensions.

(1) The operator shall design, construct and maintain the cable system to pass every dwelling unit in the franchise area, subject to any limitations specified in a franchise agreement.

(2) Standard line extension policy shall be one hundred fifty aerial feet, one hundred twenty-five feet underground. If the aerial or underground connection for service to a subscriber's location (sometimes known as a "drop") requires no more than a one hundred fifty foot aerial extension or one hundred twenty-five foot underground extension measured from the nearest street (unless the operator has obtained a waiver from the county), the operator shall provide the connection to its service at no charge for the initial one hundred fifty feet or one hundred twenty-five feet, as applicable, other than the operator's standard installation fee. This provision applies only to extensions from cable plant to a dwelling unit.

(3) In areas not meeting the requirements for mandatory extension of service, a cable operator shall provide, upon the request of a potential subscriber desiring service in an unserved area, an estimate of the reasonable costs required to extend service to said subscriber, including materials, labor, overhead and private easements, if necessary. A cable operator shall make reasonable efforts to extend service within four months upon request of said potential subscriber, who shall be responsible for all reasonable costs associated with the extension. A cable operator may require advance payment or assurance of payment satisfactory to the cable operator.

(Ords. 2006-65 § 3, 93-55).

58-4.610 New service requests.

(1) A cable operator shall provide service to all dwelling units within the county (subject to the limitations on line extensions in the previous section) pursuant to the following requirements.

(2) In any case in which either no new drop is required, or a new drop is required of no more than the standard underground or above-ground length prescribed by Section 58-4.608, Line extensions, as measured from the nearest active or required feeder line along a reasonably direct route, a cable operator shall make cable service available at the standard connection charge within seven days of receipt of any service request. In any case in which a new drop is required which is longer than the standard underground or above-ground drop length, as applicable, a cable operator shall make cable service available at the standard connection charge within fourteen days of receipt of any service request. Notwithstanding the foregoing, if the service request requires a drop in excess of the standard underground or above-ground drop length, as applicable, a cable operator may charge the business or resident requesting service an additional amount which shall not exceed the actual time and materials cost of the drop in excess of the applicable drop length.

(3) Upon receiving a request for new service, a cable operator shall make reasonable efforts to promptly acquire all easements or rights of occupancy necessary for extension of service to such resident's home and not already secured by the cable operator.

(Ords. 2006-65 § 3, 93-55).

58-4.612 System or individual outage complaints.

(1) Upon receipt of a request for service in the event of the following circumstances (each, a "service request"), the cable operator shall respond as follows: (a) to a system outage within two hours; (b) to a service interruption, within twenty-four hours; and (c) to all other reception problems, by the next working day or as agreed upon by the subscriber and a cable operator. The cable operator shall have available at all times a sufficient number of technicians capable of responding to the foregoing matters within the foregoing time frames. A service interruption is the loss of picture or sound on one or more channels. A system outage is a service interruption resulting from a common cause that affects more than two subscribers.

(2) When the nature of a service request described in subsection (1) of this section requires work at a service location, a cable operator will be deemed to have responded to such service request when a field service representative competent to fix the problem arrives at the service location (which may be some portion of the cable system and not a subscriber's residence) and begins work on the problem. In the case of a response which involves a request for service at a subscriber's residence, if the subscriber is not home when the field service representative arrives, response will be deemed to have taken place if the field service representative leaves notification of arrival and instructions for rescheduling on the subscriber's front door.

(3) Where a cable operator is unable to respond to a service request within the applicable time period specified in this section, the cable operator shall make reasonable efforts, within such time period, to notify the complainant of the reason(s) and the estimated time frame for correction, and shall proceed to correct the service request at the earliest possible time.

(4) A cable operator shall complete repairs and maintenance for system outages and service interruptions within twenty-four hours, except in extenuating circumstances or as agreed to between the cable operator and the subscriber. Work on all other requests for service, other than installation, shall be completed within three days of the initial request.

(5) The time standards in Section 58-4.610, New service requests, shall be met at least ninety-five percent of the time, measured on a quarterly basis.

(Ords. 2006-65 § 3, 93-55).

58-4.614 Scheduling appointments.

(1) All appointments for service, installations, or disconnection shall be specified by date. With the approval of the subscriber, weekday service calls shall be scheduled as morning or afternoon appointments during specified four-hour blocks of time. For service calls responding to system or individual outages, holiday and weekend scheduling shall also be available. If the appointment cannot be kept, a cable operator shall make reasonable efforts to promptly notify the subscriber in advance and reschedule the appointment. Under normal operating conditions, a cable operator may not cancel an appointment with a subscriber after the close of business on the business day prior to the scheduled appointment.

(2) Subscribers who have experienced a missed appointment due to the fault of a cable operator shall receive installation free of charge if the appointment was for installation. The subscriber shall receive a credit against the basic service charge of twenty dollars, or such other remediation as may be agreed to between the

subscriber and the cable operator, if the missed appointment is for a service call. Alternatively, subscribers may pursue their remedies pursuant to Civil Code Section 1722.

(Ords. 2006-65 § 3, 93-55).

58-4.616 Notification of service interruptions.

Where service interruptions are planned, a cable operator shall notify subscribers and the county at least forty-eight hours before the anticipated service interruption, provided that no notification shall be required for service interruptions that require less than two hours' interruption of service and that also occur between one a.m. and six a.m. Notification need not be repeated before each anticipated interruption as long as the initial notification advises of the possibility of repeated interruptions during a specified period not to exceed one month. To the extent feasible, the cable operator shall avoid interruptions between five p.m. and midnight.

(Ords. 2006-65 § 3, 93-55).

58-4.618 Notification of service or channel changes.

The cable operator shall provide thirty days' advance written notice to subscribers and the county of any change in channel assignment or in the video programming service provided over any channel, unless this requirement is waived by the county or by operation of federal or state law, or due to events beyond the reasonable control of the operator.

(Ord. 2006-65 § 3).

58-4.620 Telephone communication services.

(1) Each cable operator shall render efficient telephone communication service, sufficiently staffed by knowledgeable, courteous personnel.

(2) Customer Service Response. At a minimum, a cable operator shall have on duty a sufficient number of customer service representatives available to handle customer calls during normal business hours. During times not handled by customer service representatives, each system must have a capable answering service for repair requests or service complaints. Answering machines are not acceptable, except for automated response units that are used to process and route calls to on-duty personnel of the cable operator.

(3) Telephone System Requirements. Each cable operator shall at all times provide a telephone system meeting the following requirements:

(a) Each cable operator shall maintain a phone system for purposes of promptly responding to telephone calls. Telephone numbers for customer service shall be listed in a local telephone directory. All telephone lines for customer service shall be toll free to subscribers within the franchise area.

(b) Knowledgeable, qualified customer service representatives shall be available to respond to customer telephone inquiries during normal business hours.

(c) Under normal operating conditions, during normal business hours, telephone answer time by a customer service representative, including wait time, and the time required to transfer the call, shall not exceed thirty seconds. Those systems which utilize automated answering and distributing equipment shall limit the number of routine rings to four or fewer. Systems not utilizing automated equipment shall make every effort to answer incoming calls as promptly as the automated systems. Under normal operating conditions, the customer shall receive a busy signal less than three percent of

the total time that the telephone system is staffed by customer service representatives. These standards shall be met no less than ninety percent of the time measured quarterly.

(d) Each cable operator shall, by means of automatic monitoring equipment, track all customer service telephone calls and prepare quarterly summaries of all calls according to the criteria listed in subsection (3)(c) of this section. Such report shall be delivered to the county annually and, in addition, as agreed to in the franchise agreement.

(e) In cases of major system outages or major service interruption, a cable operator may provide a recorded message informing customers of the problem and a reasonable estimate under the circumstances of the correction time as long as customers are still able to reach a customer service representative.

(f) In cases where a cable operator's existing telephone system cannot demonstrate compliance with the standards set forth in subsection (3)(c) or (3)(d) of this section, the franchise agreement may specify comparable criteria for the cable operator's telephone system and the time frame for compliance with the standards set forth in this section.

(Ords. 2006-65 § 3, 93-55).

58-4.622 Complaint log.

The cable operator shall keep a computer log or written record of (1) service calls and complaints which require the dispatch of a service vehicle to respond to the service call or complaint, and (2) calls regarding outages, regardless of whether a service vehicle was dispatched, together with the disposition of all such calls. Records kept in the ordinary course of business shall be available for public inspection by the affected subscriber at the local office of the cable operator during regular office hours such that each subscriber may examine only ~~his or her~~their own records. The log or record shall be available for inspection by the county, in the presence of the affected subscriber, at any time at the local office of the cable operator during regular office hours. Before making a record available for inspection under this section, the cable operator may require reasonable advance notice, which shall in no event exceed one working day.

(Ords. 2006-65 § 3, 93-55).

58-4.624 Subscriber test requests.

Upon reasonable request or complaint by a subscriber, a cable operator shall, at its sole expense, perform such signal level tests as necessary to establish if a signal of requisite quality is being delivered to the subscriber's premises. The test shall be conducted at the subscriber's receiver and at other such locations deemed necessary by the cable operator, and a copy of the written test results shall be made available to the subscriber upon request.

(Ords. 2006-65 § 3, 93-55).

58-4.626 Conditions of service—Subscriber information.

Each cable operator shall send or deliver to all new and reconnected subscribers in writing and to all subscribers at least once a year, information concerning the conditions of service, including but not limited to: rates, fees, charges, deposits, refunds of deposits, available levels of service (tiers), payment options, discounts (if any), service call policy, privacy protections and disconnection and reconnection policy. Each cable operator shall provide a copy of such information to the county concurrent with its distribution to the cable operator's subscribers.

(Ords. 2006-65 § 3, 93-55).

58-4.628 Complaints—Subscriber information.

Upon connection or reconnection to the system and at least once a year, a cable operator shall, by appropriate means, such as a card or brochure, printed notice on billing statement, or billing insert, furnish to each subscriber information concerning the procedures for making inquiries or complaints to the cable operator or the county, including the name, address and local telephone number of the cable operator and the county. Each cable operator shall provide a copy of such information to the county concurrent with its distribution to the cable operator's subscribers.

(Ords. 2006-65 § 3, 93-55).

58.4-630 Investigation of complaints.

(1) When there have been a significant number of complaints made, or where there exists other evidence that, in the judgment of the county, indicates a problem with the reliability or quality of cable service as required under this division or in a franchise agreement, the board of supervisors shall have the right and authority to require a cable operator to evaluate the performance, operation or administration of the cable system including without limitation matters relating to customer service. The cable operator shall fully cooperate with the county in performing such evaluation and shall prepare results and a report, if requested, within thirty days after notice. Such report shall include the following information:

   (a) The nature of the complaint or problem that precipitated the evaluation;

   (b) What system component, operation or service was evaluated;

   (c) The equipment used and procedures employed;

   (d) The method, if any, by which such complaint or problem could be or has been resolved; and

   (e) Any other information pertinent to the evaluation which may be required.

(2) The county may require that evaluations be supervised, or conducted, by an engineer, accountant or other consultant selected by the county and not on the permanent staff of the cable operator or the county, at the county's cost. The engineer, accountant or other consultant shall sign all records of the evaluation and forward to the county such records with a report interpreting the results of the evaluation and recommending actions to be taken. The county's rights under this section, shall be limited to evaluating specific subjects and characteristics based on complaints, circumstances or other evidence which cause the county to reasonably believe that evaluation is necessary to protect the public against substandard cable service.

(Ords. 2006-65 § 3, 93-55).

58-4.632 Noncompliance with standards.

In the event of repeated noncompliance with the customer service standards contained in this chapter, the county may, in addition to pursuing any other civil or criminal remedy, direct the cable operator to take steps to ensure compliance with such standards.

(Ord. 2006-65 § 3).

58-4.634 Billing, late fees, disconnection of service and notification of rate changes.

(1) Bills for service shall be on a regular cycle, on a monthly basis. Nothing in this section shall prohibit voluntary prepayment of services by subscribers, provided that a cable operator shall not be required to offer or accept any discount or other reduction in the amount paid by any subscriber for a voluntary prepayment of services. Each bill shall include a listing of the cable operator's customer service telephone number in a manner that makes such number significantly more prominent than any other telephone numbers listed on the bill. Bills shall not list the county's telephone number in a manner that causes confusion to the public.

(2) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, level of service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(3) In case of a billing dispute, a cable operator must respond to a written complaint from a subscriber within thirty days.

(4) Before itemizing on subscriber bills any fees, taxes, assessments or other items payable to the county the itemization of which is not expressly authorized by state or federal statute or regulation, a cable operator shall submit a sample bill to the county for review and comment.

(5) Charges on a bill shall not be deemed delinquent and a subscriber shall not be subject to a late fee, so long as payment is received from the subscriber in a manner consistent with applicable law.

(6) A cable operator shall only disconnect a subscriber's service for good cause. A cable operator shall not disconnect service for non-payment until the cable operator has provided the subscriber with notice, provided on or after the due date of the subscriber's bill and separately from that bill or any other standard monthly bill, at least ten days in advance of the disconnection. The notice shall specify the earliest date the disconnection will occur, the total payment required to avoid disconnection and the telephone number and office hours to contact a customer service representative. In no event shall disconnection for nonpayment occur less than fourteen days after the end of any billing period for which charges are delinquent.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.636 Credits for outages.

(1) Except for loss of service beyond the reasonable control of a cable operator, after notification from a subscriber of a service interruption or system outage and following reasonable notice and opportunity to cure, the cable operator shall, upon request, credit the subscriber's account on a pro-rata basis one-thirtieth of the subscriber's monthly rate for each day or portion of a day that the system outage service interruption continues. In addition, in cases where, within any seven-day period, there have been more than six system outages or service interruptions of fifteen minutes or more, the cable operator shall, upon request, credit the subscriber's account for one-fourth of the subscriber's monthly rate. Should a system outage or service interruption affect a pay-per-view or other similarly priced per-event service, the subscriber shall, upon request, be credited the charges for such service.

(2) Nothing in this section shall prohibit a cable operator from giving other credits.

(Ords. 2006-65 § 3, 93-55).

58-4.638 Refund of deposits.

A cable operator shall refund all subscriber deposits within thirty days of termination of service. Any outstanding balance, including any equipment not returned by the subscriber, may be deducted from the deposit.

The refund shall be mailed to the subscriber at no expense, or shall be handled as otherwise agreed to by the subscriber.

(Ords. 2006-65 § 3, 93-55).

58-4.640 Parental control lock.

Each cable operator shall make available to subscribers, upon request, a parental control locking device or digital code that permits inhibiting the video and audio portions of any channels offered by the operator.

(Ords. 2006-65 § 3, 93-55).

58-4.642 Privacy.

A cable operator shall comply with all federal laws in relation to privacy issues.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.644 Unauthorized connections and tampering.

No person, firm or corporation shall make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable system for the purpose of taking or receiving television signals, radio signals, pictures, programs, or sound. Also no person, without the consent of the owner, shall tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

(Ords. 2006-65 § 3, 93-55, 82-28).

Article 58-4.8. Construction and Technical Standards

58-4.802 Construction requirements.

All construction (including, but not limited to, the initial construction of the cable system and any major rebuild, expansion, replacement, repair or maintenance of the cable system) shall be performed in compliance with this division and all other provisions of this code. At least ninety days prior to initiating any major construction (other than routine maintenance or repair, installation of subscriber drops or minor line extensions), a cable operator shall submit a construction plan to the county. For purposes of this section, "major construction" means a system upgrade, system rebuild, or any work in the public rights-of-way that can be reasonably expected to affect system plant served by one or more fiber optic nodes. The construction plan shall include a description of the work, equipment specifications, existing and proposed locations of all facilities, traffic control plans, resident and business notification plans, steps to be taken to ensure compliance with local regulations, and a detailed construction schedule. The county may approve, conditionally approve or deny the construction plan. The county may require the posting of construction bonds. Additional construction requirements may be specified in a franchise agreement.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.804 Standards.

(1) Any construction, rebuild, upgrade, operation, maintenance, and repair of the system shall be in accordance in all material respects with all applicable sections of the Occupational Safety and Health Act of 1970, as

amended; the National Electrical Safety Code and National Electric Code; Obstruction Marking and Lighting, AC 70/7460 i.e., Federal Aviation Administration; Construction, Marking and Lighting of Antenna Structures, Federal Communications Commission Rules, Part 17; and other applicable federal, state, or local laws and regulations, all as hereafter may be amended or adopted. In the event of a conflict among codes and standards, accepted cable industry practices shall control (except insofar as such practices, if followed, would result in a cable system that could not meet express requirements of federal, state or local law, or in instances in which such practices are expressly preempted by other standards). Consistent with the foregoing, the county may ensure that work continues to be performed in an orderly and professional~~workmanlike~~ manner, reflecting any changes that may occur over the franchise term.

(2) A cable operator shall construct, install and maintain its cable system in an orderly and professional manner, using due diligence and materials of good and durable quality. All such work shall be performed in close coordination with other public and private utilities following accepted construction procedures and practices and working through existing committees and organizations. All cable and wires shall be installed, where possible, parallel with and in the same manner as electric and telephone lines on the same poles. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations.

(3) A cable operator's cable system within the county shall meet or exceed the technical standards set forth in 47 C.F.R. Section 76.601, et seq., and any other applicable technical standards.

(4) Upon reasonable request by the county, based on subscriber complaints or other evidence of noncompliance with a franchise agreement or applicable law, a cable operator shall perform, at its sole cost, all tests necessary to demonstrate compliance with the requirements of a franchise agreement and other technical and performance standards established by applicable law. Unless a franchise agreement or applicable law provides otherwise, all tests shall be conducted in accordance with federal rules and in accordance with the most recent edition of the National Cable Television Association's "Recommended Practices for Measurements on Cable Television Systems," or such other manual as may be directed under FCC regulations. A written report of any test results shall be filed with the county within seven days of this test. If a location fails to meet technical or performance specifications, the cable operator, without requirement of additional notice or request from the county, shall promptly take corrective action, and retest the locations. Any deficiencies shall be corrected within thirty days of the original test.

(5) Should the cable operator fail to meet technical or performance tests, the cable operator shall bear all costs associated with the test. Should the cable operator advise the county that testing is not necessary or required to resolve the system performance issue at hand, and the county still insists on testing pursuant to this section, then the county shall bear the operator's reasonable cost of testing in the event that the cable operator passes the technical or performance test.

(6) Every system, and all parts thereof, shall be subject to the right of periodic inspection and testing by the county to determine compliance with the provisions of this division, a franchise agreement, and other applicable law. The county shall have the right, upon request, to be notified and to be present when a system is tested by a cable operator, provided that the cable operator need not delay or reschedule testing to accommodate such a request. Each cable operator shall respond to requests for information regarding its system and its plans for the system as the county may from time to time issue, including requests for information regarding its plans for construction, operation, and repair, and the purposes for which the plant is being constructed, operated or repaired.

(7) A cable operator shall comply with all of the same standards and codes, including but not limited to the payment of inspection fees, to construct and maintain its system within private rights-of-way as are required for construction in the public rights-of-way.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.806 Permits.

A cable operator shall obtain all necessary permits and pay all generally applicable related fees, including but not limited to permit processing and inspection fees, from the county before commencing any construction, repair, upgrade, rebuild or extension of the system, including the opening or disturbance of any public rights-of-way, on private or public property within the county. The operator shall adhere to all state and local laws and building and zoning codes currently or hereafter applicable to construction, operation, or maintenance of the system in the county and give due consideration at all times to the aesthetics of the property.

(Ords. 2006-65 § 3, 93-55, 82-28).

58.4-808 Placement of facilities.

(1) Cable system operators shall follow county requirements for placement of facilities in public rights-of-way or county-owned property including the specific location of facilities in the public rights-of-way or county-owned property, and shall in any event install facilities in a manner that minimizes interference with the use of county-owned property and public rights-of-way by others, including others that may be installing cable systems, other communications facilities, or utilities. The county shall have the right to inspect all facilities being placed underground before they are covered. It shall be a cable operator's responsibility to arrange for inspection of underground facilities by the appropriate county official, and the county shall have the right to require an operator to reopen a trench or other underground installation if any facilities are covered before the county has inspected them.

(2) Upon order of the county administrator, all work which does not comply with the permit, the approved plans or specifications for the work, or the requirements of this division, the franchise, or other applicable law, shall be promptly removed by the cable operator at its expense.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.810 Marking of facilities.

Each cable operator that places facilities underground shall be a member of USA and shall field mark the locations of its underground facilities upon request. Throughout the term of a franchise, a cable operator shall locate its facilities for the county at no charge to the county.

(Ords. 2006-65 § 3, 93-55).

58-4.812 Existing poles and conduits.

To the extent possible, a cable operator shall use existing poles and conduits within the public rights-of-way in installing its cable system. If such poles and conduits are unavailable, then a cable operator shall construct its own wireholding structures within the public rights-of-way, and install its facilities in those structures, provided there is sufficient room for additional structures in the public rights-of-way. Where the public rights-of-way cannot be used, a cable operator shall, to the extent possible, use existing poles and conduits located outside the public rights-of-way, after obtaining any necessary authorizations. In no case may additional poles or other structures be installed in the public rights-of-way or on any public property without the prior permission of the county.

(Ords. 2006-65 § 3, 93-55).

58-4.814 Notice of work.

Work by or on behalf of a cable operator concerning installation, maintenance, replacement or removal of a cable system, or any part thereof, shall be publicized by the cable operator, at its cost, in the manner and at the times the county administrator periodically may direct.

(Ord. 2006-65 § 3).

58-4.816 Use of public and private property.

(1) Should the grades or lines of the public rights-of-way, whether on county-owned or private property, that a cable operator is authorized to use and occupy be changed at any time during the term of a franchise, the cable operator shall, if necessary, as determined by the county, relocate or change its system, at its own cost and expense, so as to conform with the new grades or lines.

(2) Any alteration to any water and sewage mains or lines, to any drainage system or to any publicly-owned structures in the public rights-of-way, whether on county-owned property or on private property, which alteration is required on account of the presence of a cable operator's system in the public rights-of-way or on such county-owned property or private property, shall be made at the sole cost and expense of the cable operator. During any work of constructing, operating or maintaining of a system, a cable operator shall, at its own expense, protect all existing structures belonging to the county and any other person. The county may prescribe the manner in which a cable operator shall perform any work performed within the public rights-of-way, whether on county-owned property or on private property.

(3) Unless otherwise specified in a franchise, all system facilities shall be constructed, installed, and located in accordance with all applicable laws, ordinances, regulations and policies, and in accordance with the following terms and conditions:

   (a) Poles, underground conduits, ducts or other wireholding structures shall not be installed in the public rights-of-way or on other county property without the written permission of the county, or on private property of any third party without the written permission of the owner.

   (b) Whenever any existing telephone, electric utility, cable system, or other similar facilities are located underground within the public rights-of-way or on county-owned property, a person installing another cable system also shall place its cables and passive electronic facilities underground.

   (c) Whenever any existing telephone, electric utility, or communications facilities are located or relocated underground within the public rights-of-way or on county-owned or private property, cable operators that then occupy the same public rights-of-way, county-owned property or private property shall concurrently relocate their respective cables and passive electronic facilities underground, at their own expense, or in accordance with applicable law or current joint-use practices.

(4) Any and all public rights-of-way, public property, or private property that is disturbed or damaged during the upgrade, rebuild, repair, replacement, relocation, operation, maintenance, or construction of a system shall be repaired, replaced and restored, in a good professional~~workmanlike~~, timely manner, to substantially the same condition as immediately prior to the disturbance (including appropriate landscape restoration). All repairs, replacements and restoration shall be undertaken within no more than thirty days after the damage is incurred, and shall be completed as soon as reasonably possible thereafter. The county may require that repairs, replacements and restoration take place in a shorter period of time in situations in which county determines that a dangerous condition exists. The operator shall warrant such repairs, replacements and restoration for at least three years against defective materials or professional services rendered~~workmanship~~, with the exception of plants installed in the course of restoration.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.818 Interference with public projects—Relocation of facilities.

(1) Nothing in this chapter or any franchise agreement shall be in preference to, or in hindrance of, the right of the county, the board of supervisors or any board, authority, commission or public service corporation to perform or carry on any construction, public works or public improvements of any description. Subject to applicable law, should a cable operator's system in any way interfere with the construction, maintenance or repair of any public works or public improvements, the cable operator shall, at its sole cost and expense, protect or relocate its system, or part thereof, as directed by the county, the board of supervisors, the county administrator or any county official, board, authority, or commission.

(2) If any person that is authorized to place facilities in the public rights-of-way, or on county-owned or private property requests a cable operator to protect, support, temporarily disconnect, remove, or relocate its facilities to accommodate the construction, operation, or repair of the facilities of such other person, the cable operator shall, after seven calendar days' advance written notice, take action to effect the necessary changes requested. If the requested action is necessary to address an emergency that, in the opinion of the county, might affect the public health, safety or welfare, then the cable operator shall take immediate action upon receipt of notice of the request to complete the requested action. Unless the matter is governed by a valid contract, a local ordinance, regulation or policy, or a state or federal law or regulation, or in other cases where the system that is being requested to move was not properly installed, the reasonable cost of the same shall be borne by the party requesting the protection, support, temporary disconnection, removal, or relocation and performed at no charge to the county.

(3) A cable operator shall, at the request of any person holding a valid permit issued by a governmental authority, temporarily remove, raise or lower its wires to permit the temporary or permanent moving of buildings, structures, equipment of whatever nature, or other objects. The expense of such temporary removal or raising or lowering of wires shall be borne solely by the requesting party, unless otherwise agreed upon by the cable operator and the requesting party. A cable operator shall be given not less than forty-eight hours' advance notice to arrange for such temporary wire changes.

(Ords. 2006-65 § 3, 93-55, 82-28).

58-4.820 Other permits.

In addition to such permits as may be required by the county, a cable operator shall be required to obtain permits required by any other entity having jurisdiction.

(Ord. 2006-65 § 3).

Article 58-4.10. Administration and Enforcement

58-4.1002 Franchise fees.

(1) All cable operators shall pay a franchise fee to the county in an amount equal to five percent of the cable operator's gross revenues. The cable operator shall make franchise fee payments on the first day of each calendar quarter, or at such other times specified in the franchise agreement. Franchise fee payments shall be submitted together with documentation of the cable operator's gross revenues in such form as may be agreed to in the franchise agreement.

(2) Payment of the franchise fee shall not be considered in the nature of a tax or in lieu of other taxes or fees imposed by the county.

(3) The franchise fee is in addition to all other taxes, fees and payments that a cable operator may be required to pay under its franchise agreement or any federal, state, or local law, and to any other tax, fee, or assessment imposed by utilities and cable operators for use of their services, facilities, or equipment, including any applicable amusement taxes and annual license taxes, except to the extent that such fees, taxes, or assessments, shall be treated as a franchise fee under Section 622 of the Cable Act, 47 U.S.C. Section 542.

(4) A cable operator shall not designate the franchise fee as a tax in any communication to a subscriber.

(Ords. 2006-65 § 3, 93-55).

58-4.1004 Fees on noncable operator revenues.

In consideration of the use of public property, any person other than a cable operator who provides cable service over a cable system for which charges are assessed to subscribers but which are not received by a cable operator shall pay a fee to the county in an amount equal to five percent of that person's revenues. The cable operator whose cable system is used by such person shall collect the foregoing fee from such person no later than the tenth day prior to the close of each calendar quarter and shall remit the fee to the county no later than the first day of the following calendar quarter. If the cable operator fails to collect or remit all or part of this fee, the cable operator shall be directly liable to the county for payment of the uncollected or unremitted fee.

(Ord. 2006-65 § 3).

58-4.1006 Audit.

The county, on an annual basis, shall be furnished a statement within ninety days of the close of the calendar year, certified by an officer of the operator reflecting the total amounts of gross revenues and all payments and computations of the franchise fee for the previous calendar year. The county shall have the right to conduct an audit of the operator's books and records reasonably related to the calculation of gross revenues and franchise fees for the audit period not more frequently than once every three years, upon sixty days' prior written notice to the operator, and shall provide the county or its designee copies of such books and records, subject to the terms of a mutually satisfactory confidentiality agreement, substantially identical to the form of an agreement to be appended to the operator's franchise agreement. If such audit indicates a franchise fee underpayment of at least five percent, and such finding is not contested, the operator shall assume all reasonable costs of such an audit. If there is any underpayment, the operator shall remit to the county all applicable franchise fees.

(Ords. 2006-65 § 3, 93-55).

58-4.1008 Late payments.

In the event that the cable operator does not make any payments required by this code on or before the date due, a late payment penalty shall accrue at a rate of one and one-half percent per month on the unpaid amount until paid, or such other amount as may be set by applicable law.

(Ords. 2006-65 § 3, 93-55).

58-4.1010 No accord or satisfaction.

No acceptance by or payment to the county of a franchise fee, or any portion thereof, shall be construed as a release or an accord and satisfaction of any claim the county may have for further or additional sums due or for

the performance of any other obligation of a cable operator, or as an acknowledgment that the amount paid is the correct amount due.

(Ord. 2006-65 § 3).

58-4.1012 Records and reports.

(1) Access to Books and Records.

(a) The county or its designee shall have the right to review, upon reasonable and timely written notice, during the hours of nine a.m. to five p.m., Monday through Friday, at the operator's local office, all books, documents, and records reasonably necessary to ensure compliance with the franchise.

(b) To the extent not inconsistent with applicable law, the operator shall have the right to designate confidential and proprietary any confidential, proprietary, trade secret and privileged information that may be provided to the county and the county shall thereupon treat such information as privileged from disclosure under the California Public Records Act. The county shall provide the operator with at least ten business days' advance notice of any request by a third party for disclosure of information designated by the operator as confidential, proprietary, trade secret or privileged. To the extent that any information regarding the local cable system is maintained, either separately or cumulatively with information concerning other cable systems or operations, by the operator or an affiliate, the operator shall make copies of such records available for inspection and auditing at the local office within seven days after receipt of a written request by the county.

(c) If any documents, books and records are too voluminous, or for security reasons cannot be copied and moved, then a cable operator may request that the inspection take place at some other location mutually agreed to by the county and a cable operator, provided that the cable operator shall pay all travel and additional expenses incurred by the county (above those that would have been incurred had the documents, books and records been produced at the operator's local office) in inspecting those documents, books and records or having those documents, books and records inspected by its designee.

(d) Without limiting the foregoing, a cable operator shall provide the county with the following within ten days of receipt or (in the case of documents, books or records created by the cable operator or its affiliate) filing:

(i) Notices of deficiency or forfeiture related to the operation of the system; and

(ii) Copies of any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy by a cable operator, or by any partnership or corporation that owns or controls the cable operator directly or indirectly.

(e) Upon reasonable request and limited to matters directly affecting the cable system or the county's authority over the cable system, operator will provide copies of all petitions, applications, communications and reports submitted by the operator or on behalf of the operator to the Federal Communications Commission, Securities and Exchange Commission, or any other governmental authority having jurisdiction with respect to any matters affecting the cable system. Copies of responses from any such governmental authority to the operator shall likewise be furnished upon request to the county.

(2) Reports. A cable operator shall within ninety days of each calendar year end, submit a written end of the year report to the county with respect to the preceding calendar year containing the information required by such operator's franchise agreement.

(3) Records Required. A cable operator shall at all times maintain:

(a) Records of all complaints received with information sufficient to allow a cable operator to prepare the reports required in this section, and the operator's franchise agreement;

(b) Records of outages known to a cable operator, with information sufficient to allow a cable operator to prepare the reports required in this section and the operator's franchise agreement;

(c) Records of service calls for repairs and maintenance indicating the date and time service was requested, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was solved;

(d) Records of installation/reconnection and requests for service extension, indicating the date of request, the date of acknowledgment, and the date and time service was extended; and

(e) System financial records prepared in accordance with generally accepted accounting principles.

(4) Additional Records and Reports. The county may require cable operators to maintain records and to prepare reports relevant to determining a cable operator's compliance with the terms and conditions of this chapter and a franchise.

(5) Maps. The operator shall at all times maintain and upon request make available for review by the county: a full and complete set of plans, records and "as-built" maps showing the location of the cable system installed or in use in the county, exclusive of subscriber service drops and equipment provided in subscribers' homes. To the extent technically and economically feasible, the operator shall also make records and strand maps available to the county in electronic format compatible with the county's computer system.

(6) Waiver of Reporting Requirements. The county may, at its discretion, waive in writing the requirement of any particular report specified in this section.

(Ords. 2006-65 § 3, 93-55).

58-4.1014 Location of cable operator's properties.

(1) Each cable operator shall at all times make and keep on file in the office of the community development director current, full and complete plans and records to a scale and form approved by the community development director, showing the location of all cable system equipment installed or in use in streets, alleys and public places in the county.

(2) Each cable operator shall file with the community development director, on or before the last day of March of each year, a current map or set of maps drawn to a scale designated by the community development director, showing all cable system equipment installed in streets, alleys and public places of the county during the previous year.

(Ords. 2006-65 § 3, 93-55).

58-4.1016 Insurance.

A cable operator shall obtain, and by its acceptance of the franchise specifically agrees that it will maintain, throughout the entire term of the franchise, at its own cost and expense and keep in force and effect insurance policies in accordance with the requirements of its franchise agreement.

(Ords. 2006-65 § 3, 93-55).

58-4.1018 Indemnification.

(1) No franchise or other authorization to use the public rights-of-way, or any independent permission to use county-owned property granted to a cable operator shall be valid or effective until and unless the county obtains adequate indemnity from such cable operator.

(2) Neither the provisions of this section nor any damages recovered by the county shall be construed to limit the liability of a cable operator for damages to the county, its elected and appointed officers, officials, boards, commissions, employees, agents, and volunteers, and any other person or persons, under the franchise.

(Ords. 2006-65 § 3, 93-55).

58-4.1020 Performance bond.

A franchise agreement may require the cable operator to post a performance bond in an amount acceptable to the county to secure the performance of the cable operator's obligations to repair and restore the public rights-of-way in accordance with this code. A franchise agreement may also require a cable operator to post a separate performance bond in an amount specified in the franchise agreement to secure the cable operator's obligations under the franchise agreement and this division.

(Ords. 2006-65 § 3, 93-55).

58-4.1022 Possessory interest.

The granting of a franchise pursuant to this division may create an interest subject to property taxation pursuant to California Revenue and Taxation Code Section 107 et seq. Each cable operator shall be solely responsible for payment of any such taxes.

(Ord. 2006-65 § 3).

58-4.1024 Violations.

(1) Criminal Penalties. Any person who violates any provision of this division may be guilty of a misdemeanor or an infraction, as otherwise provided by applicable law.

(2) Administrative Penalties. Any person who violates any provision of this division, or who violates any condition of any license or permit issued hereunder, or who breaches any franchise agreement or other agreement with the county may be liable for an administrative penalty, as otherwise provided by applicable law.

(3) Revocation, Reduction of Term, or Forfeiture of Franchise.

(a) (i) The county shall have the right to revoke the franchise for any material violation of a franchise agreement.

(ii) Notice of Violation or Default. In the event the county believes that a cable operator has not complied with a material term of the franchise, it shall notify the operator in writing with specific details regarding the exact nature of the alleged noncompliance or default. No opportunity to cure is required for fraud.

(iii) Operator's Right to Cure or Respond. The operator shall have ninety days from the receipt of the county's written notice: (A) to respond to the county, contesting the assertion of noncompliance

or default; or (B) to cure such default; or (C) in the event that, by nature of the default, such default cannot be cured within the ninety-day period, initiate reasonable steps to remedy such default and notify the county of the steps being taken and the projected date that they will be completed.

(iv) Public Hearings. In the event the operator fails to respond to the county's notice or in the event that the alleged default is not remedied within ninety days or the date projected by the operator, the county may give the operator written notice of its intent to revoke the franchise, stating its reasons. Prior to revoking the franchise, the county shall schedule a public hearing, on at least thirty calendar days' notice, at which time the operator and the public shall be given an opportunity to be heard. Following the public hearing, the county may determine whether to revoke the franchise based on the information presented at the hearing, and other information of record, or, where applicable, grant additional time to the operator to effect any cure. If the county determines to revoke the franchise, it shall issue a written decision setting forth the reasons for its decision. A copy of such decision shall be transmitted to the operator.

(b) Notwithstanding the foregoing, the board of supervisors may declare a franchise forfeited where the cable operator (i) fails to begin to exercise its rights under the franchise within a period specified in the franchise agreement; (ii) transfers the franchise in a manner inconsistent with the terms of this division or the franchise agreement; (iii) fails to pay the fees owed hereunder; or (iv) defrauds or attempts to defraud the county or its customers.

(c) Upon revocation, final denial of renewal pursuant to federal law, or forfeiture of a franchise, a cable operator shall be obligated to cease using its system for the purposes authorized by the franchise. The county may (i) purchase the cable operator's facilities at a price established in accordance with 47 U.S.C. Section 547; (ii) effect a transfer of the cable operator's facilities to another person at such a price; or (iii) require the cable operator or its surety to remove some or all of the cable operator's facilities from the public rights-of-way or county-owned property and to restore the public rights-of-way and county-owned property to their proper condition. Notwithstanding anything in this division to the contrary, should a cable operator fail, refuse, or neglect to remove such facility, the county may remove the facility at the expense of the cable operator. Regardless of the existence or amount of any security fund or performance bond, the obligation of a cable operator to remove shall survive the termination of the franchise. This provision does not authorize the county to purchase, effect a transfer of, or require a cable operator to remove, any facilities that are used to provide another service for which the cable operator holds a valid franchise issued by the board of supervisors.

(4) Cumulative Remedies. The foregoing remedies shall be deemed non-exclusive, cumulative remedies and in addition to any other remedy the county may have at law or in equity.

(Ords. 2006-65 § 3, 93-55).

Article 58-4.12. Rate Regulation

58-4.1202 Authority.

The county reserves all of its rights under applicable law regarding the regulation of the rates charged by cable operators.

(Ords. 2006-65 § 3, 94-42, 93-55).

58-4.1204 Notice of rate increases.

No later than thirty days prior to the effective date of any proposed increase in rates, the cable operator shall notify its subscribers of its proposed rates by mailing such notice to all subscribers, either separately or in conjunction with bills or other notices sent to subscribers.

(Ords. 2006-65 § 3, 94-42, 93-55).

Division 59 VIDEO SERVICES

Chapter 59-2 GENERAL

59-2.002 Authority.

This division is adopted pursuant to the authority granted in the Digital Infrastructure and Video Competition Act of 2006 (hereafter, "Act"), Public Utilities Code Division 2.5 (§ 5800 et seq.), added by Stats. 2006, ch. 700.

(Ord. No. 2009-02, § II, 4-28-09)

59-2.004 Definitions.

The terms in this division shall have the meanings ascribed to them in the Act, and regulations adopted pursuant to the Act, as they may be amended from time to time, except as the context otherwise requires.

(Ord. No. 2009-02, § II, 4-28-09)

59-2.006 Administration.

The county administrator, or ~~his or her~~the county administrator's designee, is authorized to implement and administer the requirements of this division and the Act.

(Ord. No. 2009-02, § II, 4-28-09)

59-2.008 Previously established fees.

On December 31, 2006, a fee of three percent of gross revenue was established to support public, educational and government access (PEG) channel facilities in specified unincorporated areas served by Astound Broadband, LLC, pursuant to a cable franchise issued by the county. On December 31, 2006, a fee of $.71 ($71/100) per subscriber was established to support PEG channel facilities upon Comcast of California/Colorado/Washington I, Inc., Comcast of California I, Inc., Comcast of California/Massachusetts/Michigan/Utah, Inc., Comcast of California IV, Inc., Comcast of California VIII, Inc., and Comcast of California IX, Inc. pursuant to cable franchises issued by the county.

(Ord. No. 2009-02, § II, 4-28-09)

Chapter 59-4 REQUIREMENTS, PENALTIES

59-4.002 Fee established on holders.

There is hereby established and imposed, a fee to support PEG channel facilities, upon and payable by any holder of a state franchise to provide video services. The fee shall be one percent of the holder's gross revenues, as determined pursuant to the Act, if there is no incumbent cable operator. If there is one or more incumbent cable operator, the fee shall be the greater of one percent of the holder's gross revenues, as determined pursuant to the Act, or the higher of the per subscriber PEG channel facility fee imposed upon the incumbent cable operators, not to exceed three percent of gross revenues, as determined pursuant to the Act.

(Ord. No. 2009-02, § II, 4-28-09, Pub. Utilities Code, § 5870)

59-4.004 Penalties.

(a) Subject to subsection (b) of this section, the penalty for any material breach by a holder of a state franchise, of any of the provisions of Public Utilities Code section 5900, as amended, shall be as follows:

(1) The penalty shall be five hundred dollars for each day of each material breach, not to exceed one thousand five hundred dollars for each occurrence of a material breach.

(2) If a subsequent material breach of the same nature occurs within twelve months, and the holder has been provided notice and a fine or penalty has been assessed, the penalty shall be one thousand dollars for each day of each material breach, not to exceed three thousand dollars for each occurrence of the material breach.

(3) If a third or further material breach of the same nature occurs within those same twelve months, and the holder has been provided notice and a fine or penalty has been assessed, the penalty shall be two thousand five hundred dollars for each day of each material breach, not to exceed seven thousand five hundred dollars for each occurrence of the material breach.

(b) With respect to video providers subject to franchise or license, monetary penalties will be reduced dollar for dollar to the extent any liquidated damage or penalty provision of a current cable television ordinance, franchise contract, or license agreement imposes a monetary obligation upon a video provider for the same customer service failures.

(c) The county administrator, or ~~his or her~~the county administrator's designee, shall give the video service provider written notice of any alleged material breaches of the consumer service standards, privacy protection, and similar requirements of Public Utilities Code section 5900, as amended, and allow the video service provider at least thirty days from receipt of the notice to remedy the specified material breach. A material breach for the purposes of assessing penalties under this section shall be deemed to have occurred for each day within the county, following the expiration of the thirty days notice period, that any material breach has not been remedied by the video service provider, irrespective of the number of customers affected.

(d) No monetary penalties shall be assessed for a material breach if it is out of the reasonable control of the holder.

(Ord. No. 2009-02, § II, 4-28-09; Pub. Utilities Code, § 5900)

Division 512 AGRICULTURE

Chapter 512-2 APPLE MAGGOT CONTROL

512-2.002 Purpose.

The apple maggot (Rhagoletis pomonella) is a serious apple pest not known to occur in this county. To protect the county's apple industry, it is necessary to restrict movement of hosts and possible carriers into the county and to treat commercial orchards in which the pest is detected.

(Ord. 93-48 § 2).

512-2.004 Hosts and carriers.

The following articles and commodities are declared as hosts and possible carriers of the apple maggot:

(a) Apple fruit of both commercial and noncommercial production.

(b) Apple trees.

(Ord. 93-48 § 2).

512-2.006 Prohibited entry.

Hosts and possible carriers of the apple maggot are prohibited entry into the county.

(Ord. 93-48 § 2).

512-2.008 Exceptions.

Section 512-2.006 does not apply to the following:

(a) Commercially packed apples produced using conventional pest control practices. "Conventional pest control practices" means treatment with pesticides at label dosages and on a schedule effective against apple maggot;

(b) Commercially packed organic apples (apples produced by growers in compliance with and registered under the California Organic Foods Act of 1990) if the producing orchard was trapped and found negative for apple maggots;

(c) Commercially produced apples entering the county in bulk for packing, juicing, and/or processing under a compliance agreement between the importing company and the county agricultural commissioner;

(d) Subject to inspection by the county agricultural commissioner, apple trees that are free of fruit and bare root or free of fruit and certified by agricultural officials in the area of origin as being treated with a soil drench effective against the apple maggots.

(Ord. 93-48 § 2).

512-2.010 Compliance agreements.

Compliance agreements shall specify the conditions under which bulk fruit may enter the county and the manner in which fruit and fruit waste shall be handled by the importing company. The importer shall reimburse the county agricultural commissioner for the costs of monitoring compliance with the agreement and inspecting incoming shipments.

(Ord. 93-48 § 2).

512-2.012 Treatment.

If the apple maggot is detected in a commercial orchard, the orchard shall be treated at the cost of the orchard owner using conventional pest control practices in a manner approved by and under the supervision of the county agricultural commissioner. The owner shall reimburse the county agricultural commissioner for the costs of supervising the treatment.

(Ord. 93-48 § 2).

512-2.014 Abatement.

If the apple maggot is detected in a commercial orchard and the orchard is not treated in accordance with the provisions of Section 512-2.012, the orchard shall be abated of the apple maggot pest as provided in California Food and Agricultural Code Chapter 6 (Section 5401 et seq.), as the provisions are amended from time to time.

(Ord. 93-48 § 2).

512-2.016 Movement prohibited.

Fruit from a commercial orchard in which the apple maggot has been detected is prohibited movement from the orchard unless the orchard is treated in accordance with the provisions of Section 512-2.010 or the fruit is moved for processing under written authorization of the county agricultural commissioner.

(Ord. 93-48 § 2).

512-2.018 Violation.

Any person who violates or causes the violation of any provision of this chapter shall be guilty of a misdemeanor.

(Ord. 93-48 § 2).

Division 518 OTHER BUSINESSES

Chapter 518-2 MASSAGE SERVICES

Article 518-2.2. Definitions

518-2.202 General.

Unless otherwise specifically provided or required by the context, the following terms have the following meanings in this chapter.

(Ord. 73-60 § 1 (part), 1973).

518-2.204 Massage.

"Massage" means treatment of the superficial parts of the human body by rubbing, pressing, stroking, kneading, tapping, pounding, bathing, vibrating, manipulating or stimulating with the hand(s) or any instrument, for an economic consideration.

(Ord. 73-60 § 1 (part), 1973).

518-2.206 Masseur.

"Masseur" means any person who massages; but it does not include any person licensed under Business and Professions Code Sections 2135 through 2139 (medicine), 2630 or 2639 (physical therapy), 2732.1, 2733 or 2742 (nursing), or under the Chiropractic Initiative Act of 1922, as amended.

(Ord. 73-60 § 1 (part), 1973).

518-2.208 Massage parlor.

"Massage parlor" means any premises where massage is given, either as a primary or secondary function.

(Ord. 73-60 § 1 (part), 1973).

518-2.210 Outcall massage service.

"Outcall massage service" means massage given other than in a massage parlor.

(Ord. 73-60 § 1 (part), 1973).

518-2.212 Employee.

"Employee" means any person working for the permittee of a massage parlor or outcall massage service.

(Ord. 73-60 § 1 (part), 1973).

518-2.214 Operate and operator.

"Operate" and "operator" refer to operating, conducting, maintaining or allowing a massage parlor or outcall massage service, or employing a masseur to serve others.

(Ord. 73-60 § 1 (part), 1973).

518-2.216 Health officer.

"Health officer" includes any subordinate(s) the health officer ~~he~~ designates from time to time for any or all of ~~his~~ the health officer functions hereunder.

(Ord. 74-67 § 5).

Article 518-2.4. Permits Required

518-2.402 Operator's permit.

No person shall operate or allow the operation of a massage parlor or an outcall massage service without a valid permit.

(Ord. 73-60 § 1 (part), 1973).

518-2.404 Masseurs.

No person shall act as a masseur, nor shall anyone employ a person as a masseur for others, who does not have a valid masseur permit. Every operator shall maintain a register of all persons so employed and their permit numbers, which register shall be available for inspection by the sheriff during regular business hours.

(Ord. 73-60 § 1 (part), 1973).

Article 518-2.6. Applications and Permits

Every person wishing to operate a massage parlor or outcall massage service, or act as a masseur, shall file a verified written application with the sheriff, on a form provided by ~~him~~the sheriff, with a nonrefundable application fee of one hundred dollars for operators and twenty-five dollars for masseurs.

(Ord. 73-60 § 1 (part), 1973).

518-2.604 Contents—General.

Every application shall include the following information and attachments to the sheriff's satisfaction as to truth, authenticity and compliance with this chapter; and the sheriff may require additional information necessary to assure compliance with this chapter.

(Ord. 73-60 § 1 (part), 1973).

518-2.606 Contents—Identification.

(a) Every application shall include the applicant's personal and business names, addresses and telephone numbers. If the applicant is an individual, the applicant ~~he~~ shall also include the two latest previous residence and business addresses. If the applicant is not an individual, its application shall state its legal capacity (corporation, partnership, etc.), and shall include the names and addresses of all officers, directors, shareholders, general and limited partners and financially interested persons.

(b) It shall include the individual applicant's sex, birthdate (which must be at least eighteen years before the application), height, weight, color of hair and eyes, social security and driver's license numbers, if any, a set of fingerprints taken by the sheriff, and two recent portrait photographs, and the same for all principal officers of nonindividual applicants.

(Ord. 73-60 § 1 (part), 1973).

518-2.608 Contents—Experience.

(a) The application shall state the individual applicant's experience in massage and related work, and ~~his~~ the applicant's business, occupation or employment for the thirty-six months before application, and the same for all principal officers of nonindividual applicants.

(b) If the applicant or its principal officers have ever had a license or permit for a business, trade, occupation, profession or employment suspended, revoked or denied, the application shall state the circumstances thereof and reasons therefor.

(c) The application shall state the circumstances and final disposition of every arrest, prosecution or conviction of the applicant or its principal officers.

(Ord. 73-60 § 1 (part), 1973).

518-2.610 Operator's additional contents.

Every application for an operator's permit shall also state the exact nature(s) of the massage(s) to be administered, and the location(s) thereof and facilities therefor.

(Ord. 73-60 § 1 (part), 1973).

518-2.612 Masseur's additional contents.

(a) Every application for a masseur's permit shall also show that, within the last thirty days, the applicant ~~he~~ has been examined by a physician and found free from communicable disease.

(b) Every applicant shall show the sheriff a diploma or certificate of graduation from a public institution or a school, approved pursuant to Education Code Section 29007.5, whose purpose is to teach the theory, method, profession and work of massage, and which requires a minimum of seventy hours of actual class attendance or instruction. If the school is outside the state, it must meet equivalent standards as determined by the sheriff.

(c) In lieu of the diploma or certificate of graduation required by subsection (b), an applicant may substitute two years of actual, bona fide, legal, full-time experience as a masseur, or its equivalent, as shown to the sheriff's satisfaction.

(Ord. 73-60 § 1 (part), 1973).

518-2.614 Updating application.

Every applicant and permittee shall report to the sheriff, within ten days, any changes in the information required in connection with the application, and any changes of circumstance which might result in noncompliance with this chapter or any applicable law, ordinance or regulation relating to health, safety or welfare, and any changes in employees working in a massage parlor or for an outcall massage service.

(Ord. 73-60 § 1 (part), 1973).

518-2.616 Investigations.

(a) Upon receipt of a satisfactorily completed application and required fee, the sheriff shall investigate to determine whether the sheriff~~he~~ should issue a permit.

(b) The investigation shall encompass the following:

(1) Information in or required by the application and this chapter;

(2) On applications for operators' permits, referral to the building inspector and/or health officer for inspection of the proposed premises to determine whether there is full compliance with this chapter and with all other applicable laws, ordinances and regulations relating to health, safety and welfare; and

(3) Other things material to this chapter's requirements.

(Ord. 73-60 § 1 (part), 1973).

518-2.618 Issuance or denial of permit.

(a) Within thirty days after an application is filed, and upon payment of a nonrefundable permit fee of seventy-five dollars for operators and twenty dollars for masseurs, the sheriff shall issue a permit, unless the sheriff~~he~~ finds any of the following:

(1) The applicant or any employee has been convicted of an offense requiring registration under Penal Code Section 290 or defined in Sections 311 through 311.7, 314, 315, 316, 318, 647(a), (b), (d) or 647a, or an offense involving the use of force and violence upon the person of another or lewd conduct; or

(2) The proposed operation will not fully comply with all the requirements of this chapter and of any applicable law, ordinance or regulation relating to health, safety and welfare; or

(3) The applicant, knowingly and with the intent to deceive, has made any false, misleading or fraudulent statement or representation, or material omission, in connection with the application process.

(b) If the sheriff finds any of the conditions listed in subsection (a) to exist, the sheriff ~~he~~ shall deny issuance of a permit and state the reasons therefor in writing to the applicant.

(Ord. 73-60 § 1 (part), 1973).

518-2.620 Conditions of permit.

Original and renewal permits shall be serially numbered, nontransferable and valid for one year from issuance, unless earlier suspended, revoked or terminated.

(Ord. 73-60 § 1 (part), 1973).

518-2.622 Renewal of permits.

Applications for renewal of permits shall be submitted to the sheriff at least thirty days prior to expiration, with a nonrefundable renewal application fee of fifty dollars for operators and fifteen dollars for masseurs, but shall otherwise be handled like original applications, the fee for the renewed permit being the same as for the original.

(Ord. 73-60 § 1 (part), 1973).

Article 518-2.8. Other Requirements and Regulations

518-2.802 Sheriff's regulations.

The sheriff may make and enforce such reasonable regulations as may be necessary to carry out the intent and purposes of this chapter.

(Ord. 73-60 § 1 (part), 1973).

518-2.803 Health officer inspection.

The health officer may make such inspections as the health officer~~he~~ deems necessary for the detection of disease transmission and may take all reasonable measures the health officer~~he~~ deems necessary to prevent or eliminate such transmission.

(Ord. 73-60 § 1 (part), 1973).

518-2.804 Display permits.

Every massage parlor shall display its permit and those of its masseur employees in a conspicuous place on the premises. Every masseur permittee, while working, shall wear conspicuously on ~~his~~ their person a badge containing ~~his~~ the permitee's name, a recent photograph and permit number, to be supplied by the sheriff. Every outcall massage service shall have its permit available for inspection during regular business hours.

(Ord. 73-60 § 1 (part), 1973).

518-2.806 Sanitation requirements.

(a) Every portion of a massage parlor and all equipment shall be maintained in a clean and sanitary condition. Floors shall be kept free from dust, dirt, refuse and vermin. Walls, ceilings and equipment shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.

(b) All the electrical, plumbing, heating and ventilation systems in a massage parlor shall be maintained in accordance with all applicable laws, ordinances and regulations.

(c) All towels, sheets and linens used by masseurs or customers shall be clean and freshly laundered and shall not be reused unless properly laundered and sterilized. Soiled towels, linen, sheets and garments shall be kept in containers provided for this purpose.

(d) Massage parlors must contain separate dressing and locker facilities for each sex plus provision for safe storage of customers' valuables.

(e) Massage parlors shall provide separate toilet facilities for each sex. All toilets, lavatory facilities and changing rooms shall be maintained in a clean and sanitary condition. Handwashing facilities in good repair with hot and cold running water, along with handwashing detergent or soap and sanitary towels in permanent dispensers, shall be provided in either the toilet room or vestibule thereof. All employees must wash their hands after using the toilet facilities. Legible signs to this effect shall be posted in each toilet facility.

(f) All employees shall be clean and wear clean outer garments.

(g) All portions of massage parlors shall be provided with adequate light and ventilation by means of windows or skylights with an area not less than one-eighth of the total floor area, or shall be provided with artificial light and a mechanical ventilating system approved by the building inspection department. When windows or skylights are used for ventilation, at least one-half of the total required window area shall be operable.

(Ord. 73-60 § 1 (part), 1973).

518-2.807 Nude and topless exposure prohibited.

No masseur or employee of either sex, in the presence or view of any customer, shall expose ~~his~~ their private parts, buttocks, or ~~(in the case of a female)~~ any portion of either breast below a straight line drawn above both nipples and the surrounding differently pigmented areas (areola papillaris).

(Ord. 73-76 § 1, 1973).

518-2.808 Inspection.

The sheriff, the building inspector and/or the health officer may make or cause to be made inspections of any massage parlor or outcall massage service during regular business hours, to determine whether there is compliance with the provisions of this chapter.

(Ord. 73-60 § 1 (part), 1973).

518-2.810 Advertising.

No massage parlor, outcall massage service or masseur shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter which suggests that any illegal services are available to customers, or that any masseur or employee will expose a portion of ~~his~~ their body prohibited by Section 518-2.807.

(Ord. 73-76 § 1, 1973; Ord. 73-60 § 1 (part), 1973).

Article 518-2.10. Enforcement

518-2.1002 Suspensions and revocations.

The sheriff may revoke or suspend any permit, if the sheriff~~he~~ finds, after a hearing, that:

(1) Any of the provisions or requirements of this chapter have been violated or not fulfilled; or

(2) Any permittee or employee is engaging in any illegal conduct; or

(3) The business is being operated without due regard for the health, safety and welfare of the public or customers; or

(4) The permittee refuses to allow any authorized person to inspect the premises or operations therein, or fails or refuses to answer inquiries or furnish information or other things required by this chapter.

(Ord. 73-60 § 1 (part), 1973).

518-2.1004 Hearings.

Before the sheriff~~he~~ suspends, revokes or refuses to renew any permit, the sheriff shall hold a hearing at which evidence will be received to determine what action, if any, should be taken. Written notice of the grounds for the hearing, and its time and place, shall be mailed to the permittee ten days prior to the hearing. Within seven days after the hearing, the sheriff shall mail written notice of ~~his~~ the sheriff's decision to the permittee or applicant.

(Ord. 73-60 § 1 (part), 1973).

Division 522 WEIGHTS AND MEASURES

Chapter 522-2 DEVICE REGISTRATION AND INSPECTION FEES[3]

Article 522-2.2. General

522-2.202 State law.

This chapter effectuates California Business and Professions Code Sections 12210, 12211, 12240 and following, and 13350.

(Ord. No. 2016-06, § II, 3-1-16)

522-2.204 Basis for fees.

The fees required by this chapter are to recover the costs incurred by the county sealer for the inspection and testing of weighing and measuring devices and the pricing accuracy of point-of-sale systems. The fees required by this chapter do not exceed the actual inspection costs.

(Ord. No. 2016-06, § II, 3-1-16)

522-2.205 Definitions.

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

(a) "Annual device registration fee" means the sum of the business location fee and the device fee.

(b) "Business location" means each of the following:

[3]Editor's note(s)—Ord. No. 2016-06, § II, adopted Mar. 1, 2016, repealed the former Ch. 522-2, §§ 522-2.202—522-2.406, and enacted a new Ch. 522-2 as set out herein. The former Ch. 522-2 pertained to similar subject matter and derived from B.&P.C. §§ 12206, 1140(g), 12210 12240, 12243, 12500; 83-16; 84-2; 88-97; 92-13, § 2; 94-11; 95-9; 99-09, § 2; and Ord. No. 2006-09, § 2.

(1) Each vehicle containing one or more commercial devices.

(2) Each business establishment operated as a unique entity at a given place or address, and that requires not more than one inspection trip by a weights and measures official.

(3) Water vending machines and other similar equipment, placed at the address of one business but owned and operated by another, shall be considered a separate business location.

(4) Houses. For electric meters, vapor meters, and water sub-meters, each house, apartment complex or mobile home shall be considered a separate business location, except that a mobile home park shall be considered one business location instead of each of the mobile homes in such mobile home park.

(5) Point-of-sale systems. A business located at a given place or address that uses electronic point-of-sale systems shall be considered a single business location.

(c) "Business location fee" means the fee set forth in Table A of Section 522-2.404 of this chapter, for the respective year.

(d) "Device" means either of the following:

(1) "Measuring instrument," which means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.

(2) "Weighing instrument," which means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight and includes any tool, appliance, or accessory used or connected therewith.

(e) "Device fee" means the fee for each device at a business location as set forth in Table B of Section 522-2.404 of this chapter, next to the respective device.

(f) "Director" or "county sealer" means the Contra Costa County agricultural commissioner - director of weights & measures.

(g) "Point-of-sale register" means individual and separate equipment that is capable of recovering electronically stored price information that is used to charge consumers for the purchase of commodities.

(h) "Point-of-sale system" means any system used by a retail establishment such as, but not limited to, a Universal Product Code (UPC) scanner or an electronic price look-up system as a means for determining the price of the item being purchased by a consumer.

(i) "Seasonal vendor" means a produce grower who sells its own produce from a fixed location or farmers market, and who sells that produce for nine months or less in any calendar year. Commercial fishermen who sell their own catch to the public are also considered seasonal vendors. (Ords. 2016-06 § 2, 2006-09 § 2.)

(Ord. No. 2016-06, § II, 3-1-16)

522-2.205 Enforcement.

The county sealer enforces the provisions of this chapter and may promulgate regulations to effectuate it.

(Ord. No. 2016-06, § II, 3-1-16)

Article 522-2.4. Fees

522-2.402 Annual county wide fees.

(a) Annual. The fees specified in this article are charged to and must be paid by the owner, possessor, or user of the listed devices. The amount of the annual device registration fee is the sum of the business location fee and the device fee.

(b) County wide. The fees specified in this chapter are annual fees due for all or part of each calendar year during any part of which the device is used for weighing or measuring.

(Ord. No. 2016-06, § II, 3-1-16)

522-2.404 Amounts.

(a) Annual device registration fees. The annual device registration fees due under this chapter are adopted pursuant to and under the authority of California Business and Professions Code Sections 12240 and 13350. The annual fee amounts established in this chapter shall remain in effect unless superseded by a change in California Business and Professions Code Section 12240. Annual registration fees are set by business location and the number of commercial devices and/or point-of-sale registers at each business location under common ownership or management, as follows:

Table A (Annual Business Location Fees)

DEVICE	FEE AUTHORITY	FEE
Business Location Fee	California Business and Professions Code ("B&P") Section 12240(f) and (u)	$120.00 per Business Location

Table B (Annual Device Fees)

DEVICE	FEE AUTHORITY	FEE
Water submeters	B&P §12240(g)	$6.00 per device per space or apartment
Electric submeters	B&P §12240(g)	$3.00 per device per space or apartment
Vapor (Gas) submeters	B&P §12240(g)	$10.00 per device per space or apartment
Vehicle mounted & wholesale fuel meters	B&P §12240(m)	$75.00 per device
Vehicle odometer used to charge mileage fees, vehicle rentals, or other services	B&P §12240(q) and (s)	$60.00 per device ($340.00 maximum per location)
Liquefied and compressed natural gas meters, truck mounted or stationary	B&P §12240(1)	$185.00 per device
Livestock scales ;? 10,000 lbs.	B&P §12240(k)	$150.00 per device
Livestock scales 2,000 — 9,999 lbs.	B&P §12240(k)	$100.00 per device
Jewelry and prescription scales	B&P §12240(o)	$80.00 per device
Scales marked as, or meeting the design and performance specifications of a Class II device	B&P §12240(o)	$80.00 per device

Weighing devices, other than livestock scales, 2,000 — 9,999 lbs.	B&P §12240(h)	$150.00 per device
Weighing devices, other than livestock scales, ;? 10,000 lbs.	B&P §12240(h)	$250.00 per device
Computing scales < 100 lbs.	B&P §12240(n)	$25.00 per device ($1,200 maximum per location)
Weighing devices, other than computing, interfaced electronic counter, jewelry, and prescription scales, 100 — 1,999 lbs.	B&P §12240(p)	$50.00 per device
All other commercial weighing and measuring devices not listed in B&P §12240(g) to (r)	B&P §12240(t)	$26.00 per device ($1,200.00 maximum per location)
Point-of-sale systems with 1-3 point-of-sale registers	B&P §13350(d)	$149.00
Point-of-sale systems with 4-9 point-of-sale registers	B&P §13350(d)	$237.00
Point-of-sale systems with 10 or more point-of-sale registers	B&P §13350(d)	$427.00

(b) Point-of-sale systems fees. The point-of-sale system device fees are based on the number of point-of-sale registers at a single business location as set forth in Table B.

(c) Fee exemptions.

(1) Business location fees will be waived for:

(i) Seasonal vendors who bring their scales in for testing to a central location designated by the Contra Costa County Department of Agriculture, Weights and Measures.

(ii) Seasonal agricultural users of stationary scales, if a stationary scale is used no more than thirty days in a calendar year.

(2) A business is exempt from having to pay a business location fee for its use of a point-of-sale system if it is already required under this chapter to pay a business location fee at the same location or address.

(d) Fee reduction. The business location fee will be reduced by fifty percent (50%) for those small businesses that have both a single location in Contra Costa County and gross annual revenue that does not exceed $60,000, subject to verification by the director. Businesses must apply annually for this fee reduction by providing records of its gross annual revenue, such as prior year tax returns.

(Ord. No. 2024-04, § II, 3-26-24; Ord. No. 2015-1, § II, 3-1-16)

522-2.405 Penalties.

(a) Failure to pay annual registration fee within 60 days. Upon failure to pay the annual registration fee within 60 days after it is due and payable, a penalty in the amount of fifty percent (50%) of the prescribed annual registration fee will be added to the prescribed annual registration fee, and the total sum shall be immediately due and payable.

(b) Failure to pay annual registration fee after 90 days. Upon failure to pay the annual registration fee after 90 days from when it became due and payable, a penalty in the amount of one hundred percent (100%) of the

prescribed annual registration fee will be added to the prescribed annual registration fee and the total sum will become immediately due and payable. (Ord. 2016-06 § 2, 2006-09 § 2, 88-97.)

(Ord. No. 2015-1, § II, 3-1-16)

522-2.406 Devices, point-of-sale systems and locations.

Subject devices. All weights, scales, beams, measures of any kind, point-of-sale systems, instruments or mechanical devices for weighing or measuring, tools, appliances and accessories connected with any or all such instruments or measures, sold, or used by any proprietor, agent, lessee or employee for commercial purposes (as that term is defined in California Business and Professions Code Section 12500), are subject to inspection and testing by the County Sealer.

(Ord. No. 2015-1, § II, 3-1-16)

Chapter 522-4 WEIGHTS AND MEASURES TESTING FEES

522-4.202 Fees for testing weighing and measuring devices upon request.

(a) For purposes of this section, the term "commercial purposes" shall have the meaning prescribed in Section 12500 of the California Business and Professions Code.

(b) Pursuant to the California Business and Professions Code, Division 5, Chapter 2, Article 2, Sections 12210(b) and 12210.5, the county sealer (director) of weights and measures will calibrate, test, weigh, and measure, and certify to the accuracy of, weights and measures and weighing and measuring devices and instruments, tool and accessories connected therewith, whether or not used for commercial purposes, upon the written request of any person. Fees will be charged by the county sealer (director) for these services in accordance with the uniform schedule of fees established by the director of food and agriculture of the state of California, as it is amended from time to time, pursuant to Section 12210.5 of the California Business and Professions Code.

(c) If any commercial weighing or measuring instrument or device is tested, as prescribed by Section 12210(a) of the California Business and Professions Code, and found to be outside the tolerances or specifications set by the California department of food and agriculture, the owner may request another test and the county sealer (director) will re-inspect, re-test, and re-certify such instrument or device in order to determine if it is within those tolerances and specifications. The fee for any re-inspection, re-testing or re-certification of commercial weighing or measuring devices that fail an initial test will also be in accordance with the uniform schedule of fees established by the director of food and agriculture of the state of California, as it is amended from time to time, pursuant to Section 12210.5 of the California Business and Professions Code.

(Ord. 2003-14, § 3).

Division 524 TIME-OF-SALE RESIDENTIAL WEATHERIZATION DISCLOSURE[4]

[4]Editor's note(s)—Editor's note: In order to assist those persons affected by the provisions of Division 524 to become aware of and understand such provisions, the public works director is authorized to cooperate with the private sector (including, but not limited to, the press, and the county's board of realtors) and other public entities, in publicizing its requirements.

Chapter 524-2 POLICY AND PURPOSE

524-2.002 Policy and purpose.

Voluntary weatherization of existing residential dwellings saves energy, promotes the economic and general welfare of the county and protects the public health. The purpose of this division is to encourage the voluntary weatherization of residential dwellings by requiring that sellers of residential dwellings provide prospective buyers with information on the existence of specific energy saving weatherization devices within such dwellings.

(Ords. 84-23 § 4, 83-36 § 2).

Chapter 524-4 REQUIREMENTS

524-4.002 Weatherization disclosure requirements.

Every seller of a residential dwelling building containing one through four dwelling units shall provide to all prospective buyers of the dwelling, on an approved standardized form, written information on whether all of the following energy saving devices exist on or in each dwelling unit:

(1) All accessible attic space above living area is insulated, and if so, the thermal resistance (R) value (as defined in Section 2-5302 of Title 24 of the California Administrative Code, as amended or recodified from time to time) of the insulation material;

(2) All doors and windows leading to unheated areas are weatherstripped;

(3) Hot water heater tanks are fitted with an insulation blanket or other insulation material;

(4) All accessible shower heads have flow restrictors or low flow shower heads;

(5) All accessible heating and cooling ducts in unheated areas are insulated;

(6) All major joints and openings to the dwelling's exterior, including switchplates and wall outlets, are caulked or sealed.

(Ords. 84-23 § 4, 83-36 § 2).

524-4.004 Acknowledgment by buyer.

Every buyer of a residential dwelling containing one through four dwelling units shall submit written acknowledgment of receipts of the information required by Section 5244.002, to the county public works director, within fourteen days after close of escrow or transfer of title to the property.

(Ords. 84-23 § 4, 83-36 § 2).

524-4.006 Standardized form.

The public works director shall establish a standardized form to be used by sellers and buyers to comply with the requirements of this division.

(Ords. 84-23 § 4, 83-36 § 2).

Chapter 524-6 EFFECT

524-6.002 Noncompliance—Effect on transfer.

Failure of the seller and/or buyer to comply with the provisions of this division shall not affect the validity of the transfer of the property.

(Ords. 84-23 § 3, 83-36 § 2).

524-6.004 Use of information.

Information obtained pursuant to this division may be used for any lawful purpose, including, but not limited to, compilation of statistics to evaluate and monitor the effectiveness of this division.

(Ords. 84-23 § 3, 83-36 § 2).

Division 530 ELECTION CAMPAIGN

Chapter 530-2 FAIR CAMPAIGNS

Article 530-2.2. General

530-2.202 Citation.

This division may be cited as the Contra Costa County election campaign ordinance.

(Ord. 84-9).

530-2.204 Purpose.

Inherent in the high cost of election campaigns is the possibility and the appearance of improper influence, real or potential, exercised by campaign contributors over elective officials. The intent and purpose of this chapter is: to preserve an orderly political forum in which persons may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in county elections; to decrease the cost of campaigns; to prevent improper influence over elective officials; to prevent the appearance of improper influence; to broaden the base of funding for campaigns and to provide full and fair enforcement of all these provisions.

(Ord. 84-9).

530-2.206 Definitions.

Unless otherwise specifically provided (below) or required by the context, the words and phrases in this division have the same meanings as in the Elections Code, and in the Political Reform Act of 1974 (Government Code Sections 81.000 ff.) and regulations adopted under Sec. 83112 thereof.

(Ord. 84-9).

530-2.208 County election.

"County election" means any primary, general or special election, including a recall election, held within this county for elective county office. Each primary, general or special election is a separate election for purposes of this chapter.

(Ord. 84-9).

530-2.210 County offices.

"County office" means the elective offices of members of the board of supervisors, assessor, auditor, county clerk, coroner, district attorney, public administrator, recorder, sheriff, tax collector and treasurer, including combinations thereof (e.g., clerk-recorder).

(Ord. 84-9).

530-2.212 Election cycle.

An "election cycle" begins on the first day of the month following the month in which the statewide direct primary election is held or January 1st, whichever comes first immediately following an election. An election cycle ends on the last day of the month in which the statewide direct primary election is held or December 31st whichever comes first, immediately following the next election for the same office.

(Ords. 99-40 § 2, 86-27, 84-9).

530-2.213 Local ballot measure.

"Local ballot measure" means any proposition which is submitted to popular vote at an election by action of the board of supervisors, or any proposition which is submitted or intended to be submitted to a popular vote at an election by initiative or referendum as provided for in California Elections Code, Division 5, Chapter 2 "County Elections," Articles 1 and 2, Sections 3700—3755.5 or by recall procedure for a county office, whether or not the proposition qualifies for the ballot.

(Ord. 92-1 § 2).

530-2.214 Exemptions.

Notwithstanding any other provision in this chapter, it does not apply to contributions placed in a controlled committee(s) of an incumbent of a county office where:

(1) That incumbent designates the committee as a committee to collect funds for purposes other than a campaign for county office;

(2) Those funds are not used for any purpose related to a campaign by that incumbent; and

(3) Those funds are not transferred to or used for any other committee controlled by that incumbent which raises or receives or spends money for the purposes related to a campaign for a county office.

(Ord. 84-9).

530-2.215 Small contributor committee.

"Small contributor committee" shall have the same meaning as Government Code Section 85203. It means any committee which meets all of the following criteria: it has a membership of at least one hundred individuals; all the contributions it receives from any person in a calendar year total fifty dollars or less; it has been in existence for at least six months; it is not a candidate-controlled committee.

(Ord. 96-48 § 3).

530-2.216 Broad based political committee.

"Broad based political committee" means a committee within the meaning of Government Code Section 82013(a) which has been in existence for more than six months, receives contributions from one hundred or more persons and acting in concert makes contributions to five or more candidates.

(Ords. 98-6 § 3, 89-11).

530-2.222 Limitations on filing requirements.

Notwithstanding any other provisions in this chapter, all filing requirements found in this chapter which are additional to or different from those set forth in Chapter 4 of the Political Reform Act (Government Code Sections 84100 et seq.) shall apply only to candidates seeking election in Contra Costa County, their controlled committees or committees formed primarily to support or oppose their candidacies, to committees formed primarily to support or oppose a local ballot measure which is being voted on only in Contra Costa County, and county general purpose committees active only in Contra Costa County, which support or oppose candidates for county office or the qualification of or passage of local ballot measures which are being voted on only in Contra Costa County.

(Ords. 92-9 § 2, 92-1 § 3, 86-48).

Article 530-2.4. Contribution Limits

530-2.402 Individual campaign contributions.

For a single county election cycle, no person or political committee (other than the candidate or a broad based political committee) shall make, and no candidate or campaign treasurer shall accept, any monetary or nonmonetary contribution to or for a single candidate for county office or to or for a committee authorized in writing by the candidate to accept contributions for the candidate ~~him or her~~ that will cause the total amount contributed by that person or political committee in support of that candidate for that election cycle to exceed two thousand five hundred dollars.

(Ord. No. 2022-04, § II, 2-1-22; Ords. 04-22 § 2, 89-11, 84-9).

530-2.403 In-kind contribution of campaign office space.

Notwithstanding any other provisions in this chapter, in a single county election cycle, a person or political committee may give up to five thousand dollars in in-kind contributions of campaign office space and a candidate may accept one or more in-kind contributions of campaign office space which do not exceed an aggregate amount of five thousand dollars in value.

(Ord. 92-9 § 3).

530-2.404 Broad based political committees.

In a single county election cycle, no broad based political committee shall make, and no candidate or campaign treasurer shall accept, any monetary or nonmonetary contribution to or for a single candidate for county office or to or for a committee authorized in writing by the candidate to accept contributions for the candidate ~~him or her~~, which will cause the total amount contributed by such broad based political committee in support of that candidate for that election cycle to exceed ten thousand dollars, provided, nevertheless, that the total aggregate amount of contributions from all broad based political committees that may be accepted by a single candidate in an election cycle shall not exceed fifty thousand dollars.

(Ord. 04-22 § 3, 89-11).

Article 530-2.7. Supervisorial Campaigns

530-2.702 Application.

(a) This article applies only to candidates for the office of county supervisor. Unless otherwise specified, "candidate" includes recall candidates. "Recall candidates" means those candidates who are running to replace an incumbent supervisor who is the subject of a ballot measure calling for the incumbent supervisor's ~~his or her~~ recall.

(b) Ordinance Code Sections 530-2.402, 530-2.403, 530-2.404, 530-2.405 and 530-2.603 shall not apply to candidates for the office of county supervisor.

(c) To the extent that there is any conflict between the provisions of this article and the other provisions of Chapter 530-2, the provisions of this article shall prevail as to campaigns for the office of county supervisor.

(Ords. 96-48 § 4; 95-8 § 3).

530-2.703 Individual campaign contributions.

For a single county election cycle, no person or political committee (other than the candidate or a broad based political committee) shall make, and no candidate or campaign treasurer shall accept, any contribution to or for a single candidate for county supervisor or to or for a committee authorized in writing by the candidate to accept contributions to the candidate ~~him or her~~ that will cause the total amount contributed by that person or political committee in support of that candidate for that election cycle to exceed two thousand five hundred dollars, except as provided in Section 530-2.705(a) and Section 530-2.708(c) of this article.

(Ord. No. 2022-04 § III, 2-1-22; Ords. 2005-22 § 3, 99-40 § 3, 98-6, 96-48, 95-8).

530-2.704 Broad based political committee campaign contributions.

For a single county election cycle, no broad based political committee shall make and no candidate or campaign treasurer shall accept, any contribution to or for a single candidate for county supervisor or to or for a committee authorized in writing by the candidate to accept contributions to the candidate ~~him or her~~, which will cause the total amount contributed by such broad based political committee in support of that candidate for that election cycle to exceed five thousand dollars. For a single election cycle, the total aggregate amount of

contributions from all broad based political committees which a candidate may accept shall not exceed forty thousand dollars, except as provided in Section 530-2.705(a) of this article.

(Ords. 2005-22 § 4, 99-40 § 4, 98-6, 96-48, 95-8).

530-2.705 Independent expenditures against candidate or on behalf of candidate's opponent.

(a) For an election cycle, when the total cumulative expenditures of the committee or committees making independent expenditures opposing the candidate or supporting that candidate's opponent(s) equal seventy-five thousand dollars or more, the individual campaign contribution limit applicable to that candidate shall be increased to five thousand dollars and the aggregate amount that candidate can accept in contributions from all broad based political committees shall be increased to twice the amount in Section 530-2.704 of this article. To be eligible for the increases in contribution limits, the candidate must have received disclosures pursuant to subsection (c) of this section that show cumulative independent expenditures equal to seventy-five thousand dollars or more by the committee or committees in opposition to the candidate or in support of the candidate's opponent(s).

(b) For an election cycle, when the total cumulative expenditures of the committee or committees making independent expenditures opposing the candidate or supporting that candidate's opponent(s) equal seventy-five thousand dollars or more, the limit on the amount the candidate can lend to the candidate's~~his or her~~ campaign shall be increased to an aggregate amount of fifty thousand dollars and the candidate shall be entitled to receive repayment of personal loans in the aggregate amount of fifty thousand dollars. To be eligible for the increases in the limits on personal loans and repayment of those loans, the candidate must have received disclosures pursuant to subsection (c) of this section that show cumulative independent expenditures equal to seventy-five thousand dollars or more by the independent expenditure committee or committees in opposition to the candidate or in support of the candidate's opponent(s).

(c) Any committee that makes independent expenditures in support of or in opposition to any candidate for supervisorial office shall notify the county clerk-election division and all opponents running for the same seat, within twenty-four hours whenever the committee has made cumulative expenditures of five thousand dollars, ten thousand dollars, fifteen thousand dollars and so on in multiples of five thousand. A committee that makes independent expenditures in support of or in opposition to any candidate for supervisorial office shall also notify the county clerk-election division, the district attorney, and all opponents running for the same seat, within twenty-four hours whenever the committee has made cumulative expenditures equal to seventy-five thousand dollars.

(Ord. 2005-22 § 5).

530-2.706 Limitation on personal loans.

For a single county election cycle, no candidate shall lend to the candidate's~~his or her~~ campaign or controlled committee any amount in excess of twenty-five thousand dollars, except as provided in Section 530-2.705(b).

(Ords. 2005-22 § 6, 99-40 § 5, 98-6, 96-48, 95-8).

530-2.708 Self funded candidates.

(a) Self Funded Candidate Defined. For purposes of this article, "self funded candidate" means a supervisorial candidate who makes loans and contributions of the candidate's ~~his or her~~ personal funds to the candidate's~~his or her~~ campaign or campaign committee, in the aggregate amount of more than twenty-five thousand dollars. For purposes of this article "contributions from personal funds" means contributions from the candidate and ~~his or her~~the

candidate's immediate family by blood or marriage. For purposes of this article "immediate family" means spouse, children, parents and siblings.

(b) Statement of Intent to Self Fund. A candidate for a primary, general or recall election who intends to be a self funded candidate shall file with the county clerk-election division a statement signed under penalty of perjury which states that the candidate intends to self fund in an amount exceeding twenty-five thousand dollars. The candidate shall file the statement at the same time that the candidate files the candidate's ~~his or her~~ declaration of candidacy.

(c) Individual Campaign Contribution Limit Increased for Opponent of Self Funded Candidate. For an election cycle, for a candidate who is not a self funded candidate, the amount of the individual campaign contribution limit shall be increased to five thousand dollars if: (1) the candidate's opponent(s) files a statement of intent to self fund in an amount exceeding twenty-five thousand dollars, or (2) if without filing such a statement, the opponent makes loans and contributions of the opponent's~~his or her~~ personal funds to the opponent's~~his or her~~ campaign or campaign committee, in the aggregate amount of more than twenty-five thousand dollars and makes expenditures exceeding twenty-five thousand dollars.

(Ords. 2005-22 § 7, 99-40 § 7, 98-6).

530-2.709 Loan of candidate's personal funds.

If a supervisorial candidate makes loans and contributions of the candidate's~~his or her~~ personal funds to the candidate's~~his or her~~ campaign or campaign committee which in the aggregate exceed twenty-five thousand dollars, once the candidate or ~~his or her~~candidate's campaign committee has made expenditures exceeding twenty-five thousand dollars the amount loaned shall be deemed a contribution from the candidate to the candidate's~~his or her~~ campaign or campaign committee, and the candidate shall not be entitled to repayment of the monies loaned, except as provided in Section 530-2.705(b) of this title.

(Ords. 2005-22 § 8, 98-6 § 9).

530-2.802 Candidate and committee reports.

(a) Each candidate, each committee supporting or opposing a candidate for county office, each committee supporting or opposing a local ballot measure which is being voted on only in Contra Costa and each county general purpose committee which supports or opposes candidates for county office or local ballot measures being voted on only in Contra Costa County, shall file a campaign statement in the county clerk-election division office, on every date a statement is required by the Political Reform Act covering the same time period as the statement filed pursuant to state law and one additional statement. The additional statement shall be filed by twelve noon on the last Friday before the election covering the period between the previous statement filed and twelve midnight of the last Thursday before the election. The additional filing must be timely received by the filing officer and is not accomplished by deposit in the mail. This statement shall include, in addition to all matters required by this section, the same disclosures required for the last campaign statement before the election by the Political Reform Act.

(b) Each committee supporting or opposing the qualification of a local ballot measure to be voted on only in Contra Costa County shall file in the county clerk-election division office a statement of organization and a campaign statement on every date such statements are required by the Political Reform Act covering the same time period as the statement filed pursuant to state law, and additional campaign statements on the fifth day after filing the statement of organization and the fifth day of every month thereafter until petitions are filed or the deadline for filing petitions, whichever is earlier. The closing date for the period covered by an additional campaign statement shall be five days prior to the deadline for filing the statement.

(c) In addition to campaign statements, each candidate, each county general purpose committee, and each committee supporting or opposing a candidate for county office or the qualification or passage of a local ballot measure which is being voted on only in Contra Costa County, which makes independent expenditures for or against any candidate for county office or for or against the qualification of, or passage of any local ballot measure, shall file an independent expenditure report in the county clerk-election division office, on every date a report is required by the Political Reform Act covering the same time period as the report filed pursuant to state law, and one additional report. The additional report shall be filed by twelve noon on the last Friday before the election covering the period between the previous report filed and twelve midnight of the last Thursday before the election. This filing must be timely received by the filing officer and is not accomplished by deposit in the mail. Each independent expenditure report shall contain the same disclosure required by Government Code Section 84203.5(b).

(Ords. 98-6 § 10, 95-8 § 4, 92-9 § 4, 92-1 § 4, 91-10, 84-14, 84-9).

530-2.804 Campaign statement.

Each county campaign statement required to be filed by candidates for county office, county general purpose committees, committees supporting or opposing a candidate for county office, or committees supporting or opposing the qualification of, or passage of, a local ballot measure which is being voted on only in Contra Costa County shall contain:

(1) If the cumulative amount of contributions for the election from a person is one hundred dollars or more and a contribution has been received from that person during the period covered by the campaign statement, the statement shall contain the same disclosures required by Government Code Section 84211.

(2) The statement shall contain the same disclosures of expenditures required by Government Code Section 84211.

(3) In the case of campaign statements filed by a committee, other than a candidate-controlled committee, the statement shall contain the full name, and street address of any person or persons who direct or control the contributions or expenditures made by the committee.

(4) Candidates and committees need not duplicate any reports of contributions, loans or expenditures required by state law but may certify that reports made pursuant to this section are in addition to those made pursuant to state law.

(Ords. 2005-22 § 9, 98-6 § 11, 95-8 § 5, 92-9 § 5, 92-1 § 5, 91-10, 84-9).

530-2.806 Out-of-county committee reports.

Committees domiciled outside this county which make independent expenditures or contributions for or against any candidate for county office, or for or against the qualification of, or passage of any local ballot measure which is being voted upon only in Contra Costa County shall file a report with the county clerk's elections division, in the time and manner required by Government Code Sections 84200 ff. and 530-2.804, subsection (6) for committees domiciled in this county which either support or oppose a candidate for county office or support or oppose a local ballot measure which is being voted on only in this county.

(Ords. 95-8 § 6, 92-1 § 6, 91-10, 84-9).

530-2.808 Online filing required.

(a) Except as otherwise provided in this section, an elected officer, candidate, committee, or other person who is required to file a statement, report, or other document with the County Clerk — Elections Division pursuant to Chapter 4 of Title 9 of the Government Code, or pursuant to this chapter, shall file the statement, report, or other document with the County Clerk — Elections Division by using the online filing system designated by the County Clerk — Elections Division. The requirements of this section apply to the elected officer, candidate, committee, or other person until the person or committee files a termination statement in accordance with Government Code section 84214, or unless the person or committee is exempt from filing under subsection (b) of this section.

(b) An elected officer, candidate, committee, or other person is not required to file online under this section in a calendar year if the person is not required to file a statement, report, or other document with the County Clerk — Elections Division pursuant to Chapter 4 of Title 9 of the Government Code, or pursuant to this chapter, in that calendar year.

(Ord. No. 2016-05, § III, 3-15-16)

Article 530-2.9. Campaign Advertising Disclosure

530-2.902 Disclosure of contributors to independent expenditure committees.

(a) Any committee that makes, during the calendar year in which the election is held, more than one thousand dollars in independent expenditures for or against a candidate for county office or more than five thousand dollars in independent expenditures for or against the qualification, or passage, of a local ballot measure being voted on only in this county shall list the following information in a clear and legible manner on the bottom one-third of the front page of any mass mailing (delivered to residences by any means including hand delivery) by the committee in the election for which the independent expenditures were made.

(1) The names and occupations of individuals and the names and business interests of nonindividuals, of the five largest contributors to the committee during the twelve months immediately preceding the date of distribution of the mass mailing, listed in order of the amount of contributions. If two or more of the largest contributors have contributed the same amount, they shall be listed according to chronological sequence of contribution. The disclosure shall read: "Major funding by: (name and occupation or business interest)." In the case of contributions from committees, the disclosure shall read: "Major funding by: (name of committee); Expenditures directed by: (name and occupation or business interest of persons or nonindividuals who direct or control the expenditures of the committee)"; and

(2) If the committee has received at least one-third of its total contributions during the twelve months immediately preceding the date of distribution of the mass mailing from large out-of-county contributor(s), the whole top one-third of the disclosure shall state "Major funding from large out-of-county contributors." "Large out-of-county contributors" mean those contributors (a) who either are not residents of the county or do not have a principal place of business in the county and (b) whose cumulative contributions to the committee are one hundred dollars or more for the twelve-month period immediately preceding the date of distribution of the mass mailing.

(b) When making the disclosures required in subsection (a)(1), the committee must use the same type size for all words in that disclosure. When making the disclosures required in subsection (a)(2), the committee must use the same type size for all words in that disclosure. The left and right and top and bottom margins of the disclosures shall not exceed one-half-inch. The space between lines of type shall not be more than one-half

of the type size. The committee must list each contributor on a new line. The committee shall use the bottom one-third of the front page of the mass mailing solely for the purpose of making the disclosure required in subsection (a).

(c) For purposes of this section "front page" shall mean the envelope, page, or panel where the address is, or in the case of unaddressed items, any outside panel.

(d) This section does not apply to communications from an organization to its members.

(Ords. 2000-17 § 2, 98-6, 95-8).

530-2.904 Disclosure by self funded candidate for the office of county supervisor.

(a) Any self funded candidate or campaign committee of such candidate shall list the following information in a clear and legible manner on the front page of any mass mailing (delivered to residences by any means including hand delivery) by the candidate or committee for the race in which the candidate runs for supervisorial office: "Self funded candidate."

(b) When making the disclosure required in subsection (a), the candidate or ~~his or her~~the candidate's campaign committee must use bold face print in no less than ten point type.

(c) For purposes of this section "front page" shall mean the envelope, page, or panel where the address is, or in the case of unaddressed items, any outside panel.

(d) For purposes of this section "self funded candidate" has the same meaning as in Section 530-2.708 "Self funded candidate," subsection (a) "self funded candidate defined."

(Ord. 98-6 § 13).

Article 530-2.10. Enforcement

530-2.1003 Penalties.

Pursuant to Section 51-4.404, every violation of this division is a misdemeanor and punishable as such, except that failure to file a timely report as required by Section 530-2.802 is an infraction punishable by a fine of one hundred dollars.

(Ords. 84-51, 84-13, 84-9).

530-2.1004 District attorney's court suits.

The district attorney may enforce the provisions of this chapter by filing, in the district attorney's ~~his~~ discretion, any appropriate legal action.

(Ord. 84-9).

Division 540 MOBILEHOME PARKS

Chapters 540-2 MOBILEHOME SPACE RENT

Article 540-2.2. General, Definitions

540-2.202 Findings and purpose.

(a) The state of California has recognized, by the adoption of special legislation regulating tenancies of mobilehome owners in mobilehome parks, that there is a significant distinction between the tenants (mobilehome owners) of mobilehome parks and other dwelling units, and the county of Contra Costa likewise recognizes that tenants of mobilehome parks, unlike apartment tenants or residents of other rental housing, are in the unique position of having made a substantial investment in a residence, the space for which (mobilehome space) is rented or leased as distinguished from owned.

(b) There is presently within the unincorporated area of the county and surrounding areas a shortage of developed spaces, especially spaces of suitable sizes, for the location of mobilehomes, and because of this shortage of developed mobilehome spaces there is a low vacancy rate in mobilehome parks which rent mobilehome spaces to mobilehome owners.

(c) Mobilehome owners, unlike apartment tenants or residents of other rental units, are in the unique position of having made a substantial investment in a residence for which space is rented or leased. Alternative sites for the relocation of mobilehomes are difficult to find due to the shortage of vacant mobilehome spaces, and restrictions on the age, size or style of mobilehomes permitted in many mobile-home parks. Additionally, the cost of moving a mobilehome is substantial due to requirements related to the installation of mobilehomes, including permits, landscaping and site preparation, and the risk of damage in moving is significant.

(d) A substantial number of persons in the unincorporated area of the county who reside in mobilehome parks are persons on fixed incomes, including senior citizens, and persons of lower income.

(e) Recently, the board of supervisors and individual supervisors have received public testimony and written and oral complaints that some parks within the unincorporated area have been and are charging increased rental amounts without service improvements. In some cases, the testimony has been that service levels have actually decreased in the parks charging the high rents.

(f) Such rental increases, especially when coupled with a lack of service or other justifying factor, create hardships on mobilehome park residents, and may cause the displacement of park residents. Such displacements would be detrimental to the public health, safety and welfare by adversely affecting the lives of a substantial number of unincorporated area residents who reside in these mobilehomes.

(g) Further, as a practical matter, because of the high cost of moving mobilehomes, including the loss of substantial improvements to the mobilehome made by the mobilehome owner, mobilehomes are generally sold in place. Unreasonably high space rent may erode any reasonable equity a homeowner has in a mobilehome at the time of sale by affecting the sale price of the mobilehome.

(h) For the above reasons, it is necessary and in the public interest to protect mobilehome owners from unreasonable rental increases. At the same time, it is necessary to recognize the park owners' need to have rental increases sufficient to cover increased costs of operation and maintenance as well as protect the park owner's right to a fair and reasonable return on the park owner's investment.

(i) This ordinance provides that the rental rate for mobilehome spaces subject to the provisions of this ordinance may be adjusted annually by not less than sixty percent of the San Francisco-Oakland-San Jose Consumer Price Index. In part, the board determines that sixty percent of CPI is fair because comparable Bay Area communities, including but not limited to the city of Concord in Contra Costa County provide for similar adjustments based upon sixty percent of CPI.

(j) For the reasons set forth above, the board of supervisors find that adoption of this chapter is necessary and in the best interest of the public.

(Ord. 95-31, § 2).

540-2.204 Definitions.

As used in this chapter, the following words and phrases shall have the meanings set forth herein unless it is apparent from the context that a different meaning is intended.

(a) "Affected mobilehome owners" means all mobilehome owners in a mobilehome park who have been notified by the park owner that a rent increase is to become effective on the same date, or who have been otherwise made aware, in the absence of such notification, that a rent increase (including a reduction in a park service) has or is to become effective on the same date.

(b) "Base rent" means the space rent charged and allowed by County ordinance on September 20, 1994, plus any rent increase allowed thereafter pursuant to this chapter unless otherwise provided. The base rent for any mobilehome space that was not occupied on September 20, 1994 shall be the highest space rent charged by the park owner for a comparable space in the park on September 20, 1994, plus any rent increases allowed thereafter pursuant to this chapter unless otherwise provided.

(c) "Capital improvements" means expenditures for anything new, not preexisting.

(d) "Consumer Price Index" means the Consumer Price Index for all Urban Consumers, San Francisco-Oakland-San Jose Area (or, if the area designation is revised, for the area which encompasses the County of Contra Costa), published by the U.S. Department of Labor, Bureau of Labor Statistics.

(e) "Hearing officer" means a person designated by the rent review officer to hear a petition pursuant to this chapter who is neither a mobilehome owner nor who has an interest in a mobilehome park of a nature that would require disqualification under the provisions of the Political Reform Act if the person is an elected state official.

(f) "Maintenance and repair" means expenditures to keep the property in good working order.

(g) "Mobilehome" means a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. "Mobilehome" includes manufactured home, as defined in the Health and Safety Code, but does not include a recreational vehicle, as defined in Section 799.29 of the Civil Code, or a commercial coach, as defined in Section 18001.8 of the Health and Safety Code, or factory-built housing as defined in Section 19971 of the Health and Safety Code.

(h) "Mobilehome owner" means a person who has a tenancy in a mobilehome park under a rental agreement, having the right to the use of a mobilehome space on which to locate, maintain and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of

the services and facilities of the mobilehome park. "Mobilehome owner" does not include a person who is a resident in a mobilehome but who does not have a tenancy.

(i) "Mobilehome park" means any area or tract of land within the county where two or more mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes.

(j) "Mobilehome space" means the site within a mobilehome park intended, designed, or used for the location or accommodation of a mobilehome and any accessory structures or appurtenances attached thereto or used in conjunction therewith. "Mobilehome space" does not include any newly constructed space initially held out for rent after January 1, 1990, or a space occupied by a recreational vehicle.

(k) "Park owner" means a person or entity that owns or operates a mobilehome park business in the unincorporated territory of the county.

(l) "Park service" means a service provided by the park owner related to the use or occupancy of a mobilehome space, including but not limited to maintenance of the common area of the mobilehome park, for which the park owner expends money or other quantifiable consideration. For purposes of this chapter park services do not include intangibles or other benefits associated with living at the property for which the park owner does not expend money or other quantifiable consideration.

(m) "Percent change in Consumer Price Index" means the annual percent change in the Consumer Price Index, calculated to the nearest tenth, published for the month of April, issued in the month of May. In the event that an index is not published for the month of April that is issued in the month of May, the closest preceding month for which an index is published shall be used.

(n) "Rental agreement" means an agreement between the park owner and the mobilehome owner for the use and occupancy of a mobilehome space establishing the terms and conditions of mobilehome park tenancy. A lease is a rental agreement.

(o) "Rent increase" means any additional space rent demanded of or paid by a mobilehome owner for a mobilehome space, including any reduction in park services without a corresponding decrease in the amount demanded or paid for space rent.

(p) "Rent review officer" means the person or persons designated by the county administrator to administer and enforce the provisions of this chapter.

(q) "Service reduction" means any reduction in a park service below the level of service existing on or after September 20, 1994, which results in a cost savings to the park owner without a corresponding decrease in rent. The reduction or deferment of maintenance below the level existing on or after September 20, 1994 may constitute a service reduction. However, normal wear and tear of the common area and/or mobilehome space does not constitute a service reduction.

(r) "Space rent" means the money demanded and received by a park owner for the use or occupancy of a mobilehome space and the nonexclusive use of the common area facilities, but excluding separately billed utilities or reasonable charges for services actually rendered. Nothing in this chapter shall be deemed to regulate rent charged for mobilehomes, as opposed to mobilehome spaces.

(s) "Substantial rehabilitation" means that work done by a park owner to a mobilehome space, park services, or to the common area of the mobilehome park, exclusive of a capital improvement, the value of which exceeds two hundred dollars and which is performed either to secure compliance with any state or local law or to repair damage resulting from fire, earthquake, or other casualty or natural disaster, to the extent the cost of such work is not reimbursed by insurance, security deposit proceeds, or any other source.

(Ords. 99-24, § 2; 97-8, § 2; 95-31).

540-2.206 Applicability—Exemptions.

(a) The space rent increase limitation provisions of this chapter shall apply to all mobilehome spaces in mobilehome parks in the unincorporated area of this county not otherwise exempt from said requirements, either by this section, chapter, or any applicable state or federal law.

(b) Exemptions. The space rent increase limitation provisions of this chapter shall not apply to the following:

(1) Mobilehome spaces covered by rental agreements subject to Civil Code Section 798.17(a) and (b), to newly constructed mobilehome spaces pursuant to Civil Code Section 798.45, or to utilities billed separately pursuant to Civil Code Section 798.41.

(2) Mobilehome spaces for which the space rent is less than three hundred fifty dollars per month, adjusted annually by one hundred percent of the percent change in the Consumer Price Index.

(3) Mobilehome spaces in mobilehome parks in which the highest space rent charged is less than the median space rent charged for mobilehome spaces in comparable mobilehome parks upon the adoption by the board of supervisors of a program to determine median mobilehome space rents. A program to establish median mobilehome space rents shall provide for the establishment of median space rents for comparable mobilehome parks by resolution of the board of supervisors. The determination of the board of supervisors of median space rent in comparable mobilehome parks shall be subject to the reasonable discretion of the board of supervisors, taking into consideration at least the following: location of the park and park services provided by the park owner.

(Ords. 99-24, § 3; 95-31, § 2).

540-2.208 Notices.

Rent increases pursuant to this chapter shall not be effective and shall not be demanded, accepted, received or retained until the park owner has given all notices required by state law. Notices required by state law may be given concurrently with proceedings under this chapter. It is understood that the park owner may give notice required by state law before any hearing, decision or other final action under this chapter.

(Ord. 95-31, § 2).

Article 540-2.4. Space Rent Increase Limitations

540-2.402 Mobilehome space rent increase limitations.

The maximum space rent chargeable for a mobilehome space subject to the provisions of this chapter shall be the base rent. Increases in the base rent shall be allowed only pursuant to the provisions of this chapter.

(Ord. 95-31, § 2).

540-2.404 Standard annual rent increases.

(a) Except as provided in Sections 540-2.406, 540-2.408 and 540-2.410, the space rent payable for use or occupancy of any mobilehome space shall not be increased by a park owner within any twelve-month period more than the greater of:

(1) Two percent; or

(2) Seventy-five percent of the percent change in the Consumer Price Index, provided that no rent increase of more than six percent may be imposed pursuant to this section.

(b) All standard rent increases shall become a part of the base rent upon which future rent increases are based.

(c) The initial standard rent increase shall be allowed on or after ninety days after the effective date (July 27, 1995) of the ordinance codified in this chapter provided all required notices have been given.

(Ords. 97-8 § 3; 95-31 § 2).

540-2.406 Administration fee rent increases.

(a) In addition to the standard rent increase, a park owner may increase the space rent payable for a mobilehome space within any twelve-month period, in order to apportion and pass through on a pro rata basis, to each mobilehome space subject to the provisions of this chapter, the allowable percentage of county administration fees pursuant to Section 540-2.1602.

(b) The administrative fee shall be noticed and implemented at the same time as any standard rent increase provided the park owner has been given adequate notice of the amount of the administrative fee. The administrative fee rent increase shall not be included as part of the base rent upon which future rent increases are based and shall be deleted from the space rent once the mobilehome owner's pro rata share of said administrative fee rent increase has been collected.

(Ord. 95-31, § 2).

540-02.408 Capital improvement rent increases.

(a) A park owner may increase a mobilehome owner's space rent based on the mobilehome owner's pro-rata share of capital improvement expenditures in the park. The purpose of this section is to provide the park owner a streamlined procedure for recovering capital improvement dollars invested in the mobilehome park. Any such rent increase shall be amortized over the useful life of the capital improvement, using the table of capital improvement set forth in Section 540-2.1210. If the table of capital improvement life expectancies in Section 540-2.1210 is not applicable, the park owner shall use the "Class Life Asset Depreciation Range System" ("AUTRE System"). Interest may be imputed on any such rent increases using the prime rate in effect thirty days prior to the date of the application, plus two percent. However, in no event may any single rent increase, or any cumulative rent increases under this section exceed five percent of the mobilehome owner's then existing rent.

(b) Any rent increase implemented under this section based on the cost of capital improvement shall not be included as part of the base rent upon which future rent increases under this chapter are based and shall be deleted from the space rent once the mobilehome owner's pro-rata share of the capital improvement rent increase has been recovered.

(c) Nothing in this section shall preclude a park owner from foregoing the right to seek a rent increase under this section and instead applying for a major rent increase, including applying for a major increase based on capital improvement expenditures that would otherwise result in a rent increase in excess of five percent of the mobilehome owner's then existing rent.

(Ords. 97-8 § 4; 95-31 § 2).

540-2.410 Major rent increases.

An increase in the space rent payable for any mobilehome space within any twelve-month period more than the amounts permitted in Sections 540-2.404, 540-2.406, 540-2.408 and/or a reduction in a park service(s) without a concurrent decrease in space rent shall be considered a major rent increase and is subject to the provisions set forth in Articles 540-2.6 and 540-2.10 and other provisions of this chapter.

All major rent increases shall become a part of the base rent upon which future rent increases are based.

(Ords. 99-24, § 4; 95-31, § 2).

Article 540-2.6. Rent Increase—Notice, Meeting

540-2.602 Notice and meeting.

(a) Notice of Increase. At least ninety days before instituting a rent increase and/or decreasing a park service, a park owner shall give written notice of the proposed action, to all affected mobilehome owners. Said notice shall provide the following information:

(1) Standard and/or administrative rent increase. For rent increases pursuant to subsection (a) and/or (b) of Sections 540-2.404 and/or 540-2.406, the amount of the rent increase both in dollars and as a percentage of existing space rent and either one or both of the following:

(A) A statement that the park owner considers the rent increase consistent with the standard rent increase limitations of Section 540-2.404; and/or

(B) A statement that the proposed rent increase is to recover the cost of rent stabilization administration fees pursuant to Section 540-2.406. The notice shall include information supporting the increase, including calculations used by the park owner to apportion the cost of the administrative fee among the affected mobilehome owners;

(2) Reduction in Park Service. For a reduction in a park service with or without a decrease in space rent, the specific park service or services to be reduced and the decrease in space rent to be effectuated, if any. The park owner shall also provide any explanation or justification for the proposed action;

(3) Capital Improvement Increase. For a capital improvement increase, the amount of the rent increase both in dollars and as a percentage of existing rent, the duration of the rent increase, facts explaining and supporting the increase, including calculations used to determine how the amount of the increase was determined and apportioned;

(4) Major Rent Increase. For a major rent increase other than a reduction in a park service without a concurrent decrease in space rent, the amount of the rent increase both in dollars and as a percentage of existing space rent and facts supporting the increase.

(b) Notice of Meeting. Concurrently with providing notice of a rent increase as required in subdivision (a), above, or as soon thereafter as practicable, the park owner shall provide at least thirty days' advance written notice of a meeting to discuss the rent increase, and to provide an opportunity for the affected mobilehome owners to ask questions of the park owner or the park owner's representative about the rent increase. The notice of the meeting shall include the time or times of the meeting, which time(s) shall be convenient for as many affected mobilehome owners as is reasonably practicable, and the exact location of the meeting, which shall be at the mobilehome park. The informal meeting, once begun, may be continued by the park owner to another date or time. The rent increase shall not become effective until forty-five days after the commencement of the informal meeting.

(c) Notice to Rent Review Officer and Homeowners' Representative. The park owner shall serve a copy of the notice of rent increase and a list of the names and addresses of all persons receiving the notice upon the rent review officer at least eighty-five days before the effective date of the rent increase. The rent review officer shall acknowledge the date of receipt of the notice and list of names in writing upon the request of the park owner. The park owner shall provide a copy of the names and addresses of all mobilehome owners receiving notice to the mobilehome owners' representative within five days of the date of request therefor by the mobilehome owners' representative. Failure to provide a copy of the names and addresses of affected mobilehome owners shall not invalidate the rent increase, but the rent increase shall be delayed one day for each day after five days after the date of request, until the names and addresses of the affected mobilehome owners have been provided.

(d) Manner of Giving Notice. Notices of rent increases or of meetings required by this chapter shall be given personally to the affected mobilehome owner, deposited in the United States mail, postage prepaid, addressed to the homeowner at ~~his or her~~the homeowner's site within the mobilehome park, or by other manner agreed upon in writing by and between the park owner and the affected mobilehome owner. Affixing a notice on the door or other part of a mobilehome shall not constitute valid delivery, and shall not constitute substantial compliance with the requirements of this section unless such manner of delivery is agreed to in writing by the affected mobilehome owner.

(Ords. 99-24, § 5; 97-8, § 5; 95-31).

540-2.604 Failure to comply.

Any rent increase, other than a reduction in park service without a concurrent decrease in space rent, imposed by the park owner without providing notice that substantially complies with the requirements of Section 540-2.602 or without holding a meeting required by Section 540-2.602 shall be void and invalid, and such failure to comply by the park owner shall be a defense in any action brought by the park owner to recover possession of the mobilehome space or to collect any rent increase that should have been covered by such notice and meeting. A rent increase shall not be considered to be in substantial compliance with the requirements of Section 540-2.602 until at least all of the following requirements are met within the following time frames:

(a) The park owner has provided at least thirty days' notice of any required informal meeting to all mobilehome owners affected by the proposed rent increase;

(b) At least forty-five days have elapsed following the holding or commencement of the informal meeting to discuss the rent increase;

(c) At least ninety days have elapsed since the provision of a notice of rent increase which contains all of the information required by Section 540-2.602; and

(d) At least eighty-five days have elapse following the rent review officer's receipt of the notice of rent increase and a complete list of the names and addresses of all of the mobilehome owners who received notice of the rent increase.

(Ords. 99-24, § 6; 97-8, § 6; 95-31).

540-2.606 Rent increase.

Following the provision of notice that substantially complies with the requirements of Section 540-2.602 and the holding of a meeting, and the provision of all notices required by state law, the rent increase may be implemented unless a timely petition substantially meeting the requirements of Section 540-2.804 has been filed, in which case collection of the increased rent shall be stayed upon the filing of a qualifying petition pending review of the rent increase.

(Ord. 95-31, § 2).

Article 540-2.8. Rent Increase Review

540-2.802 Rent increases—Petition required.

Any rent increases, including a reduction in service without a concurrent decrease in space rent, may be reviewed pursuant to the provisions of this article.

(Ords. 99-24, § 7; 95-31, § 2).

540-2.804 Petition.

(a) The rent review officer shall review a rent increase upon the filing of a petition in the office of the clerk of the board of supervisors. The petition shall be signed by more than fifty percent of the mobilehome owners affected by the rent increase. For purposes of determining the sufficiency of the petition, only one homeowner per occupied space shall be counted. The petition shall designate the name and address of the mobilehome owners' representative, the name and address of the mobilehome park, and the name and address of the park owner and the park owner's representative if known to the homeowners.

(b) The petition shall include a brief summary of the amount of the disputed space rent increase. For a reduction in service without a concurrent decrease in space rent petition filed by mobilehome owners, the petition shall describe the service that has been reduced, the date the reduction in service was discovered, and the claimed amount that the space rent should be decreased on account of the service reduction.

(c) Subject to Section 540-2.604, the petition shall be filed no later than thirty days after the effective date of the rent increase, except that for a reduction in a park service without a concurrent decrease in space rent for which notice and a meeting was not provided, a petition may be filed no later than one hundred eighty days after discovery of the alleged rent increase.

(d) The petition shall be accompanied by any filing fee imposed by the board of supervisors to defray the cost to the county of processing the petition and conducting the major rent increase review.

(e) Upon the filing of the petition, the clerk of the board of supervisors will forthwith forward the petition to the rent review officer.

(Ords. 99-24, § 8; 97-8, § 7; 95-31).

540-2.806 Verification of petition.

Within sixteen days of the filing of the petition with the clerk of the board, the rent review officer shall verify that the petition has been signed by the requisite number of homeowners, and may require the park owner to provide such verifiable information as is necessary to determine what constitutes a requisite number of homeowners. The rent review officer may deem a petition sufficient if the rent review officer is not provided or is unable to obtain verifiable information regarding the adequacy of the petition.

(Ord. 95-31, § 2).

540-2.808 Mediation.

Upon verifying that the petition has been signed by the requisite number of homeowners, the rent review officer shall promptly notify the park owner and the homeowners' representative that the petition has been

received and found to be sufficient. Within ten days of verifying a petition as sufficient, the rent review officer shall convene a meeting with the park owner and the homeowner's representative for the purpose of mediating the rent dispute. In mediating the dispute, the rent review officer may require both sides to submit any information and/or documentation reasonably necessary to resolve the dispute, including the information set forth in Sections 540-2.1002 and/or 540-2.1204 and 540-2.1206, as may be appropriate. If the dispute is not resolved within forty days of petition verification, the rent review officer shall terminate mediation efforts and, within ten days of such termination, prepare a record of findings, including findings regarding the parties' participation and cooperation in the mediation efforts, and transmit said findings to the hearing officer, which findings may be considered by the hearing officer. The forty-day period for resolving disputes may be continued by agreement of the parties.

(Ord. 95-31, § 2).

540-2.810 Hearing, requirements.

(a) If no satisfactory resolution of the dispute is reached within forty days of petition verification, or such longer period of time as the parties may agree, the rent review officer shall appoint a hearing officer who shall schedule a hearing on the disputed rent increase. The hearing shall be on a date no sooner than thirty days, nor later than sixty days from the termination of the mediation efforts. The rent review officer shall provide mailed notice, first class mail postage prepaid, to the park owner and the mobilehome owners' representative. The notice shall inform the parties of the date, time and location of the hearing, and that the park owner and/or the mobilehome owners' representative shall file with the hearing officer, two sets of any information necessary to review the rent increase, including any information requested by the hearing officer.

(b) For major rent increases sought by the park owner, the park owner shall submit the information required by Section 540-2.1002.

(c) For a reduction in a park service proposed by the park owner, the park owner shall submit information to support the proposed reduction in the park service without a concurrent decrease in space rent.

(d) For a reduction in a park service without a concurrent rent decrease petition filed by the mobilehome owners, the mobilehome owners shall submit the information required by Section 540-2.1008.

(e) For capital improvement rent increases, the park owner shall submit the information required by Section 540-2.1204 and 540-2.1206.

(f) The information required by subdivisions (b) through (e) shall be provided no later than ten days before the hearing, one set to be provided to the other party's representative by the rent review officer. If a party is unable to provide the information in a timely manner, the hearing officer shall grant a continuance for a period no longer than ten days after the two sets of the required information has been submitted.

(Ords. 99-24, § 9; 95-31, § 2).

540-2.812 Hearing fee.

Any hearing fee established by the board of supervisors shall be paid by the park owner concurrently with the filing of the required information. The fee shall be used to pay costs of the county incurred in holding the hearing, including, without limitation, hearing officer costs, county staff time, noticing, audit costs, accountant costs and postage.

(Ord. 95-31, § 2).

540-2.814 Hearings.

(a) General. Hearings to review rent increases shall be conducted pursuant to the procedures prescribed in this section.

(b) Conduct of Hearing. The park owner and affected mobilehome owners may appear at the hearing and offer oral and documentary evidence. The hearing officer shall have such authority and may make such orders as necessary to assure that the hearing is conducted in a timely manner and a decision rendered within the time limits set forth in this section. The hearing officer shall exercise discretion in the determination of facts. The hearing officer need not require that formal rules of evidence be observed, provided that constitutional rights for a fair hearing are protected. The hearing officer may grant not more than two continuances of the hearing for not more than ten working days each, except that the hearing officer may grant additional continuances upon the park owners request provided the homeowners' representative is provided a reasonable amount of time to review any additional evidence submitted by the park owner. For a hearing on a petition filed by mobilehome owners seeking a rent decrease on account of an alleged park service reduction without a concurrent decrease in space rent, the hearing officer may grant additional continuances upon the mobilehome owners' representative's request, provided the park owner's representative is provided a reasonable amount of time to review any additional evidence submitted by the mobilehome owners' representative.

(c) Representation of Parties. The parties in a hearing are entitled to be represented by a person or persons of the party's choosing. The representative need not be an attorney. The written designation of a representative(s) shall be filed with the hearing officer at or prior to the time of representation.

(d) Hearing Findings and Determination. The hearing officer shall, within fifteen working days of the conclusion of the hearing, submit a written statement of decision, including the reasons for the decision by certified mail, return-receipt requested, to the park owner and the homeowners' representative. A copy of the statement of decision shall also be submitted to the rent review officer. The hearing officer may allow the parties to submit briefs or additional information; however, any such submission shall not prolong the decision except upon the written waiver of the park owner. The hearing officer's decision shall determine the amount of rent increase, if any, and the effective date of the rent increase consistent with providing a fair and reasonable return on the involved park owner's investment. However, following a hearing on an advance authorization capital improvement rent increase notice, the rent increase shall not be allowed, and shall not be effective until, the capital improvement has been completed, and the park owner provides the notice required by subdivision (a) of Section 540-2.1208.

(e) Burden of Proof. The burden of proof on rent increases shall be upon the park owner. The burden of proof on a petition seeking a decrease in space rent on account of a reduction in a park service without a concurrent decrease in space rent shall be upon the mobilehome owners.

(f) Attorneys Fees. This chapter makes no provision for attorneys fees and costs as between park owners and mobilehome owners with respect to any administrative proceeding regarding this chapter, including any appeal of any administrative decision made pursuant to this chapter. Except as expressly provided herein, under no circumstances shall any provision in this chapter be construed to allow either party to apply for or recover attorneys fees from the other in proceedings under this chapter.

(g) Decision Final. The decision of the hearing officer is final and binding upon the park owner and all affected mobilehome owners, regardless of whether any affected mobilehome owner signed the petition for a hearing or was present or represented at the hearing. The decision of the hearing officer shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

The parties to the hearing may enter an agreement, which shall be signed by the hearing officer, that the decision of the hearing officer shall be final and binding upon all parties on the same basis as an arbitrator's

decision subject to confirmation, correction or vacation, pursuant to Section 1285 et seq. of the Code of Civil Procedure.

(h) No Decision. If the hearing officer does not render and mail a decision within twenty working days of the conclusion of the hearing, the requested rent increase shall be deemed granted for the period commencing the day after said twentieth working day.

(Ords. 99-24, § 10; 95-53, § 2; 95-31, § 2).

540-2.816 Subpoenas.

(a) Affidavit. Upon the filing of an affidavit or a declaration under penalty of perjury showing good cause by any party, the hearing officer may, at the hearing officer's discretion, issue a subpoena requiring a person or entity to attend at a particular time and place to testify as a witness and/or to produce records, documents or things. Subpoenas shall be issued and attested to by the hearing officer in the name of the county. The affidavit or declaration shall specify the exact matters or things desired to be produced, setting forth in full detail the materiality thereof to the issues involved in the proceeding, and stating that the witness has the desired matters or things in the witness' possession or under the witness' control, and a copy of such affidavit shall be served with the subpoena. Subpoenas shall designate the business records, documents, and tangible things to be produced either by specifically describing each individual item or by reasonably particularizing each category of item.

(b) Service of Subpoenas. Any subpoena requiring that a witness personally appear to give testimony at a petition hearing shall be served in person at least five calendar days before the witness' attendance is commanded. Any subpoena duces tecum requiring production of business documents only may be served by first class mail, and must be served at least twenty calendar days before the date set forth on the face of the subpoena. Upon good cause being shown, such time limits may be shortened as is reasonable and necessary. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this section shall be deemed issued by and in the name of the county.

(c) Payment of Costs for Subpoenas Duces Tecum. All reasonable costs incurred by any witness not a party to the hearing pursuant to a subpoena duces tecum may be charged against the party serving the subpoena duces tecum. "Reasonable cost," as used in this section shall include, but not be limited to, the following specific costs: ten cents per page for standard reproduction of documents of a size eight and one-half by fourteen inches or less; twenty cents per page for copying of documents from microfilm; actual costs for the reproduction of oversize documents requiring special processing; reasonable clerical costs incurred in locating and making the records available to be billed at the maximum rate of sixteen dollars per hour per person, computed on the basis of four dollars per quarter hour or fraction thereof; actual postage charges; and actual costs, if any, charged to the witness by a third person for the retrieval and return of records held by that third person. The requesting party shall not be required to pay those costs or any estimate thereof prior to the time the records are available for delivery pursuant to the subpoena, but the witness may demand payment of costs pursuant to this section simultaneously with actual delivery of the subpoenaed records, and until such time as payment is made, is under no obligation to deliver the records. If a subpoena is served to compel the production of business records and is subsequently withdrawn or modified, the witness shall be entitled to reimbursement for all costs incurred in compliance with the subpoena to the time that the requesting party has notified the witness that the subpoena has been withdrawn or modified. Where the records are delivered to the attorney or the attorney's representative for inspection or photocopying at the witness' place of business, the fee for complying with the subpoena shall not exceed fifteen dollars, plus actual costs, if any, charged to the witness by a third person for the retrieval and return of records held off-site by a third person. If the records are retrieved from microfilm the reasonable cost, as defined above, shall also apply.

(d) Payment of Costs for Subpoenas Requiring Personal Attendance. When the personal attendance of the custodian of a record or other qualified witness not a party to the hearing is required, said witness shall be entitled to witness fees for each day's actual attendance in the amount of thirty-five dollars a day plus twenty cents per mile actually traveled, both ways, or such other fee as provided by statute for the attendance of that witness in courts of the state of California. The fee for one day's attendance and mileage must be delivered to the witness at the same time the subpoena is served upon said witness, if demanded by ~~him or her.~~ the witness.

(e) Exclusive Means of Discovery. Other than the subpoenas described in subdivision (a) above, there shall be no additional discovery in proceedings before the hearing officer.

(Ord. 95-31, § 2).

540-2.818 Withdrawal of petition.

Nothing in this chapter shall preclude or invalidate an agreement between the park owner and the affected mobilehome owners which results in the mobilehome owners withdrawing a petition, either before or after the hearing officer's decision or the decision of a court, provided that the agreement contains no provision by which the mobilehome owners waive rights under this chapter. Any such waiver shall be deemed contrary to public policy and void and unenforceable.

(Ord. 95-31 § 2).

Article 540-2.10. Major Rent Increase

540-2.1002 Required information—Major rent increase.

If a hearing is scheduled on a major rent increase proposed by the park owner, the park owner shall, under penalty of perjury, submit any and all information reasonably required by the rent review officer, including, but not limited to the following:

(a) The address of the mobilehome park;

(b) The space number of each mobilehome space for which a rent increase is requested;

(c) The current and proposed rent schedules for each mobilehome space in the mobilehome park, including the amount of the requested rent increase for each mobilehome space;

(d) The facts supporting the requested rent increase, including supporting documentation;

(e) The actual income and operating expenses by category for the mobilehome park for each year of a two-year period ending no more than six months before the proposed effective date of the rent increase;

(f) A schedule of other anticipated fees and income from the mobilehome park;

(g) The vacancy rates in the mobilehome park during the preceding two year period;

(h) A list of any current leases for mobilehome spaces unaffected by the proposed rent increase extending beyond the effective date of the rent increase, showing the date that each lease expires and the amount and date of change in the space rent for such lease;

(i) Any other information affecting the need for the proposed rent increase which is required by the rent review officer; and

(j) Any other information which the park owner deems relevant.

(Ords. 99-24, § 11; 95-31, § 2).

540-2.1004 Standards of review for major rent increase.

(a) Factors. Factors to be considered in evaluating a major rent increase proposed by the park owner include:

(1) Unavoidable increases in maintenance and operating expenses, including but not limited to the reasonable value of the park owner's labor and any increased costs for services provided by a public agency, public utility, or quasi-public agency or utility;

(2) The substantial rehabilitation or the addition of capital improvements by the park owner seeking the major rent increase, including the reasonable value of the park owner's labor, as long as such rehabilitation or improvement has been completed and is:

(A) Distinguished from ordinary repair or maintenance,

(B) For the primary benefit, use, and enjoyment of the affected mobilehome owners,

(C) Permanently fixed in place or relatively immobile and appropriated to the use of the mobilehome park,

(D) Not coin-operated nor one for which a "use fee" or other charge is imposed on affected mobile-home owners for their use, and

(E) Cost-factored and amortized over the remaining useful life of the rehabilitation or improvement;

(3) The rental history of the affected mobilehome spaces and the mobilehome park, for the immediately preceding thirty-six months, including:

(A) The presence or absence of past rent increases,

(B) The frequency of past rent increases, and

(C) The occupancy rate of the mobilehome park in comparison to comparable mobilehome parks in the same general area;

(4) The physical condition of the affected mobilehome spaces and mobilehome park, including the quantity and quality of maintenance and repairs performed during the preceding twelve months, as well as the long term patterns of operating, maintenance, and capital improvement expenditures;

(5) Increases or reductions in park services since the last rent increase;

(6) Existing space rents for comparable mobilehome spaces in other comparable mobilehome parks;

(7) A decrease in net operating income as provided in Section 540-2.1006;

(8) A fair return on the property prorated among the mobilehome spaces of the mobilehome park;

(9) Other financial information which the mobilehome park owner provides;

(10) Whether income or expenses in a base or comparison year are unreasonably high or low. If so, the rent review officer may make an appropriate adjustment.

(b) No cap shall be placed on rent increases pursuant to this section. It is understood that a park owner is entitled to, and this chapter shall be construed and implemented to afford a park owner a fair and reasonable return on investment.

(Ords. 99-24, § 12; 95-31, § 2).

540-2.1006 Net operating income evaluation for major rent increases.

In evaluating a major rent increase proposed to maintain the park owner's net operating income from the mobilehome park, the following definitions and provisions shall apply:

(1) Net operating income of a mobilehome park means the gross income of the mobilehome park less the operating expenses of the mobilehome park.

(2) Gross income means gross income from the operating of the mobilehome park business, including the sum of the following:

(A) Gross space rents received, provided that uncollected space rents in excess of one percent of gross space rent shall be presumed to be unreasonable and shall be computed as income. The park owner may rebut the presumption by demonstrating that reasonable efforts to collect said uncollected rents, in conformance with industry standards have been made; plus

(B) All other income or consideration received from operation of the mobilehome park business, and/or in connection with use or occupancy of a mobilehome space and related service, including, but not limited to interest paid by the mobilehome owners to the park owner.

(3) Operating expenses means actual expenditures in operating the mobilehome park business, including the sum of the following:

(A) Real property taxes and assessments;

(B) Utility costs to the extent that they are included in space rent;

(C) Management expenses, including the compensation of administrative personnel (including the value of any such services), reasonable and necessary advertising to ensure occupancy only, legal and accounting services as permitted herein, and other managerial expenses. Management expenses are presumed to be not more than five percent of gross income, unless greater management expenses can be documented;

(D) Normal repair and maintenance expenses for the grounds and common facilities of the mobilehome park, including but not limited to landscaping, cleaning and repair of equipment and facilities;

(E) Park owner-performed labor in operating or maintaining the park. In addition to the management expenses listed in subsection (3)(C) of this section, where the park owner performs managerial or maintenance services which are uncompensated, the park owner may include the reasonable value of such services. Park owner-performed labor shall be limited to five percent of gross income unless the hearing officer finds that such limitation would be unfair in a given case. No credit for such services shall be authorized unless the park owner documents the hours utilized in performing such services and the nature of the services provided;

(F) Operating supplies such as janitorial supplies, gardening supplies, stationery and so forth;

(G) Insurance premiums prorated over the life of the policy;

(H) Other taxes, fees and permits, except administration fees assessed or paid pursuant to Section 540-2.1602 that are passed through to mobilehome owners;

(I) Reserves for replacement of long-term improvements or facilities, provided that accumulated reserves shall not exceed five percent of gross income;

(J) Capital improvement costs, to the extent said capital improvement costs are not passed through in the form of a rent increase pursuant to Section 540-2.408:

(i) To be included as an operating expense, a capital improvement expense shall be amortized over the reasonable life of the improvement or such other period as may be deemed reasonable under the circumstances when considered in light of existing IRS standards, using the "Class Life Asset Depreciation Range System" ("ADR System"),

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

(K) Involuntary refinancing of mortgage or debt principal. The park owner may include certain debt services costs as an operating expense. Such costs are limited to increases in interest payments from those interest payments made during 1994 which result from one of the following situations or the equivalent thereof:

(i) Refinancing of the outstanding principal owed for the acquisition of the mobilehome park where such refinancing is mandated by the terms of a financing transaction entered into prior to the effective date of the ordinance codified in this chapter (e.g.) for termination of a loan with a balloon payment,

(ii) Increased interest costs incurred as a result of a variable interest rate loan used to finance the acquisition of the mobilehome park and entered into prior to the effective date of the ordinance codified in this chapter.

In refinancing, increased interest shall be permitted to be considered as an operating expense only where the park owner can show that the terms of the refinancing were reasonable and consistent with prudent business practices under the circumstances.

(4) Operating expenses shall not include the following:

(A) Avoidable and unnecessary expense increases since the base year;

(B) Debt service expenses, except as provided in subsection (3)(K) of this section;

(C) Depreciation;

(D) Any expense for which the park owner has been or will be reimbursed by any security deposit, insurance payment, judgment for damages, settlement, or any other method;

(E) Legal or attorney's fees or costs incurred or related to proceedings under this chapter;

(F) Any damages, penalties, fees or interest assessed or awarded for violation of any provision of this chapter or of any other provision of law;

(G) Reserve accounts except as set forth in subdivision (3)(I) of this section;

(H) Expenses unrelated to the operation of the mobilehome park;

(I) Expenses clearly excessive in relation to the industry standard for the same item;

(J) Expenses related to the sale or conversion of the mobilehome park;

(K) The costs of capital improvements associated with the purchase and/or installation of meters or other similar devices used for the separate billing of utilities, unless the park owner can demonstrate said capital improvement benefits the mobilehome owners.

(5) All Operating Expenses Must Be Reasonable. Whenever a particular expense exceeds the normal industry or other comparable standard, the park owner shall bear the burden of proving the reasonableness of the expense. To the extent that the hearing officer finds any such expense to be

unreasonable, the hearing officer shall adjust the expense to reflect the normal industry or other comparable standard.

(6) Base year operating expenses and gross income for purposes of this chapter shall mean operating expenses and gross income in calendar year 1994.

(7) Notwithstanding any other provision of this chapter, in evaluating a major rent increase proposed on the ground that the park owner is not receiving a fair and reasonable return on investment, the hearing officer shall consider all relevant factors, without limitation, including actual income and actual expenditures associated with operation of the mobilehome park business to determine that return.

(Ord. 95-31, § 2).

540-2.1008 Review of reduction in park service major rent increase.

(a) Mobilehome Owners' Petition. If a hearing is scheduled on a petition filed by mobilehome owners alleging that there has been a reduction in a park service without a concurrent decrease in space rent, the mobilehome owners' representative shall submit information to support the mobilehome owners' petition, including, but not limited to, the following:

(1) Evidence that the park service was provided by the park owner on or after September 24, 1994 and the level of the service provided;

(2) Evidence that the park service reduction or discontinuance was discovered no earlier than one hundred eighty days before the filing of the mobilehome owners' petition with the clerk of the board of supervisors pursuant to Section 540-2.804;

(3) Evidence of the cost savings realized by the park owner on or about the time the service was reduced or discontinued.

(b) Park Owner's Rent Increase Notice. If a hearing is held on a petition challenging the amount of a proposed decrease in space rent, or lack thereof, following a park owner's notice of a reduction in a park service, the park owner shall submit evidence to support the park owner's proposed space rent increase or other space rent action, including information described by subsection (3) of subdivision (a) of this section.

(c) Limitations. The park owner and the mobilehome owners' representative may submit any evidence to rebut the evidence submitted by the other. The hearing officer's consideration shall be limited to evidence on the park service that will be, has been, or alleged to have been reduced unless the park owner asserts that decreasing the space rent by the value of the amount of the reduced park service will deprive the park owner a fair rate of return on investment. The park owner shall not be required to submit the information required by Section 540-2.1002 unless the park owner asserts that a decrease in space rent should not be required because the current space rent is necessary to maintain a fair rate of return on the park owner's investment.

(Ord. 99- 24, § 13).

Article 540-2.12. Capital Improvement Rent Increases

540-2.1202 Capital improvement rent increases.

(a) In order to provide an incentive to park owners to improve their properties and guaranteeing a fair and reasonable rate of return for such improvements, while at the same time protecting mobilehome owners from excessive rent increases, capital improvement rent increases shall be granted in accordance with the requirements of this article.

(b) Further, in order to promote advance fiscal planning, park owners shall have the option of obtaining approval for capital improvements before performing the work. In the alternative, park owners may commence rent increase procedures after the work is completed.

(Ord. 95-31, § 2).

540-2.1204 Requirements.

(a) Criteria. Costs of capital improvements may be approved where the following criteria are met:

(1) The capital improvements were completed or are to be completed on or after September 20, 1994;

(2) The park owner has not yet increased the rent or rents to reflect the cost of the work;

(3) The park owner has not been or will not be compensated for the work by insurance proceeds;

(4) The park owner seeks a rent increase pursuant to Section 540-2.408 of this chapter no later than twenty-four months after the work has been completed;

(5) The costs are capital improvements as opposed to routine repair;

(6) The costs of the capital improvement are not associated with the purchase or installation of meters or other similar devices used for the separate billing of utilities;

(7) The individual mobilehome owner's pro rata share of the capital improvement costs, or the cumulative capital improvement costs assessed if one or more capital improvement rent increases have been imposed and are still being charged, will not exceed five percent of the then-existing base rent;

(8) The capital improvement is not coin-operated nor one for which a "use fee" or other charge is imposed on affected mobilehome owners for their use.

(b) Cost Allocation. The cost of capital improvements shall be allocated on a pro-rata basis to affected mobilehome owners.

(c) Declaration Re: Tax Treatment of Capital Improvement. At the time the park owner notices a capital improvement rent increase, the park owner shall submit to the rent review officer a declaration under penalty of perjury stating that the park owner has, or will, treat the capital improvement as a capital improvement for federal income tax purposes. Once each year during the amortization period for the capital improvement the rent review officer may request the park owner to provide an updated declaration stating under penalty of perjury that the park owner treated the capital improvement as a capital improvement or federal income tax purposes on the park owner's most recent tax return. In the event the park owner does not provide the rent review officer with such a declaration within sixty days of the rent review officer's request, the rent review officer may appoint a hearing officer to conduct hearings in order to recalculate the amount of the capital improvement rent increase. The hearing and recalculation shall proceed on the presumption that the park owner received a tax deduction for all of the previously nonamortized portion of the capital improvement expenditure during the year immediately following the last year for which the park owner submitted a declaration stating that the park owner~~he~~ was amortizing the capital improvement in accordance with federal law. The sole purpose of the hearing shall be to adjust the amount of the capital improvement rent increase to disallow any excess income the park owner may receive by expensing all of the previously nonamortized portion of the capital improvement in the year immediately following the park owner's most recent declaration on the subject, rather than continuing to amortize the capital improvement. The park owner shall not be required to submit such a declaration and no such recalculation shall occur if federal law has been changed so that the capital improvement may no longer be amortized, or if the park is sold, in which case the new owner shall not be able to amortize any capital improvement expenditure made by the previous owner.

(Ord. 95-31, § 2).

540-2.1206 Required information.

If a hearing on a proposed capital improvement rent increase is scheduled, the park owner shall, under penalty of perjury, submit any and all information reasonably required by the rent review officer, including, but not limited to the following:

(a) A description of the improvement;

(b) Contracts documents (including receipts, canceled checks, etc.) or bid documents showing the cost or estimated cost of the proposed improvement;

(c) The amortization period to be used;

(d) The interest rate to be used or obtained;

(e) The formula used to calculate the pro rata share of each resident;

(f) The monthly cost to each resident in dollars;

(g) A statement that the cumulative cost of all capital improvement rent increases in effect and to be approved will not exceed five percent of the then-existing base rent of each tenant.

(Ord. 95-31, § 2).

540-2.1208 Effect of prior approval.

(a) Approval Pursuant to Hearing. Where a park owner obtains prior approval for a capital improvement rent increase pursuant to a hearing, the park owner may make the improvements and is entitled to recover the pre-approved rent increase as set forth in this section. Upon the completion of the improvement, the park owner shall submit to the rent review officer, documentation of the actual cost of the capital improvement, and the rent increase notice to be sent to the affected mobilehome residents, which notice shall specify the amount of the rent increase. The park owner may not commence collecting the increased rent until thirty days after providing said notice to the affected mobilehome owners.

If the total actual cost (which includes the actual interest cost) is less than the total pre-approved amount, only the costs actually incurred may be passed through to the mobilehome owners in their proportionate share, except that if the park owner does not borrow the funds to pay for the improvement, the park owner shall be entitled to receive interest on ~~his~~ the park owner's funds at the rate of prime plus two percent.

If the total actual cost of the capital improvement is more than the total pre-approved amount, the park owner may waive the excess amount and, following provision of thirty days' notice, collect only the pre-approved amount. In the alternative, the park owner may provide a second notice of capital improvement rent increase for the full amount incurred, in which case the park owner shall comply with all requirements for a rent increase.

(b) Approval Without Petition. Where a park owner obtains prior approval for a capital improvement rent increase, which approval was not subject to a petition, the park owner is entitled to recover the pre-approved rent increase as set forth in this section. Upon completion of the capital improvement, the park owner shall submit to the rent review officer, documentation of the actual cost of the capital improvement, and the rent increase adjustment (decrease) notice, if any, to be sent to the mobilehome owners.

If the total actual cost (which includes the actual interest cost) is less than the total pre-approved amount, only the costs actually incurred may be passed through to the mobilehome owners. If the total actual cost of the capital improvement is more than the total pre-approved amount, the park owner may waive the excess amount

and continue collecting only the pre-approved amount. In the alternative, the park owner may provide a second notice of capital improvement rent increase for the full amount incurred, in which case the park owner shall comply with all requirements for a rent increase.

(Ords. 99-24, § 14; 95-31, § 2).

540-2.1210 Review of capital improvement rent increases.

(a) Park Owner's Initial Burden of Proof. The burden shall initially be on the park owner to establish that the required information regarding the capital improvement in the park owner's rent increase notice is accurate, including:

(1) The cost of the capital improvement project;

(2) The interest rate used by the park owner;

(3) The amortization period used by the park owner;

(4) The formula used to calculate the pro rata share of each mobilehome owner;

(5) The cumulative capital improvement rent increases will not exceed five percent of the then-existing base rent.

(b) Mobilehome Owner's Burden of Proof to Rebut. Once the park owner establishes that the required information regarding the park owner's capital improvement proposed rent increase is accurate, the burden shall shift to the mobilehome owners' representative to show that the rent increase is unwarranted or excessive based upon any and only on the following four alternative grounds:

(1) The cost of the capital improvement project was clearly excessive given industry standards.

(2) The capital improvement was necessitated due to the elimination, reduction or deferment of maintenance below the level existing on or after September 20, 1994, thereby requiring replacement of the pre-existing improvement prior to the expiration of its normal expected life, as adjusted pursuant to this article.

(3) The interest rate charged is greater than financing reasonably available to the park owner in an arm's length transaction with a private lending institution.

(4) The improvement was not reasonably related to the operation of the mobilehome park business.

(c) Remedy If Burden of Proof Met By Mobile-home Owners. The purpose of the provisions in this chapter providing for contesting capital improvement rent increases is to ensure the good faith of park owners, including but not limited to ensuring that park owners do not engage in nepotism, kick backs and/or deferred maintenance, or make improvements which are unnecessary to the operation of the mobilehome park business. If the hearing officer determines that the mobilehome owners have satisfied their burden of proof with respect to all or any part of the cost of a capital improvement expenditure, the hearing officer may reduce the amount of the rent increase by a corresponding amount, but not more, subject to the limitations set forth in this article and chapter. In the event the hearing officer determines that the park owner has engaged in perjury, fraud, nepotism or kickbacks with respect to a capital improvement rent increase, the hearing officer may reduce the amount of the rent increase to the level the hearing officer deems appropriate under the circumstances consistent with providing a fair and reasonable return on investment.

(d) Limitations On Ground For Contesting Rent Increases. In determining the normal expected life of a capital improvement the hearing officer shall look first to the amortization table in this section or, if not applicable, the ADR system and/or the regulations, guidelines and amortization tables established by the Internal Revenue Service for capital improvements. It is recognized that the normal expected life of a capital improvement is based on averages and that the actual life may fall short of the normal expected life, for

reasons other than deferred maintenance. In the event the normal expected life of a capital improvement is less than five years, the "adjusted expected life" of the capital improvement shall be ninety percent of its normal expected life. In the event the normal expected life of a capital improvement is five years or more, the "adjusted expected life" of the capital improvement shall be eighty percent of its normal expected life. Where a petition is filed challenging a capital improvement rent increase, the hearing officer may not reduce the amount of the rent increase by an amount in excess of the difference between the actual life of the capital improvement and its "adjusted expected life." For example, if the mobilehome owners establish that as a result of deferred maintenance a preexisting capital improvement with an expected life of ten years and an "adjusted expected life" of eighty years, in fact only lasted seven years, the hearing officer may reduce the amount of the requested rent increase by ten percent, but no more. In no event may the hearing officer reduce the amount of a capital improvement rent increase based on alleged deferred maintenance where the capital improvement rent increase is necessitated by a catastrophe, act of God, or other uncontrollable circumstance, including earthquakes, landslides, earth movement, fire or flood.

(e) Schedule of Amortization of Capital Expenditures for Mobilehome Parks.

The following amortization schedule shall be used for the amortization of capital improvements unless the parties present clear and convincing evidence to the contrary.

Item	Asset Life in Years
Air conditioning units	17
Air ducts	
Galvanized steel	20
Aluminum	25
Plastic	30
Air duct insulation	15
Appliances	5
Dishwasher	2
Garbage disposal	5
Refrigerator	5
Stove	5
Water heater	5
Boilers	15
Fans and ancillary items	
Fans and motors	12
Electric controls	10
Pneumatic controls	12
Heating and cooling coils	12
Humidifiers and air washers	10
Land improvements, such as sidewalks, roads, canals, waterways, drainage facilities, sewers, bridges, fences, landscaping, shrubbery	20
Laundry equipment	10
Lights	10
Painting	

Exterior	5
Interior	5
Paving	
Reslurry	4
Resurfacing	8
Pipe	
Galvanized	12
Copper	25
Pipe valves and special items	12
Plastering	10
Plumbing	
Fixtures	10
Pipes	10
Pumps	
Pool	5
Sump	10
Recreation equipment	10
Refrigeration machines	
Reciprocating	15
Rotary	20
Roofing	15
Sauna	25
Security entry telephone intercom	10
Stokers and burners	12
Stucco	15
Swimming pools	25
Tennis courts	25
Therapy pools	25
Water cooling towers	15
Water evaporative condensers	20
Windows	

Awnings	5
Drapes	5
Screens	5
Shades	5

(Ord. 95-31, § 2).

Article 540-2.14 Rights and Obligations

540-2.1402 Obligation of the parties.

(a) If the final decision by the hearing officer finds that the rent increase, or any portion thereof, is justified, each affected mobilehome owner shall pay, to the extent such payment has not already been made by the mobilehome owner, the amount found justified to be paid to the park owner, within thirty calendar does after the decision is made. Payment for pre-approved capital improvement rent increases shall commence after the improvements are completed and ninety days' notice of the rent increase is given.

(b) If the final decision by the hearing officer finds that the rent increase, or any portion thereof, is not justified, the park owner shall refund any amount found to be unjustified, to the extent such amount has already been paid by the affected mobilehome owner, to each affected mobilehome owner within thirty days after the decision is made. If such refund is not made within thirty calendar days, the affected mobilehome owner may, to the extent allowed by law, withhold the amount from the next space rent payment, or payments until the full amount of the refund has been made.

(c) Any sum of money that under the provisions of this section is the obligation of the park owner or an affected mobilehome owner, as the case may be, shall constitute a debt and, subject to the foregoing provisions of this section, may be collected in any manner provided by law for the civil collection of debts by private parties.

(Ord. 95-31, § 2).

540-2.1404 Mobilehome owner's right of refusal to pay.

To the extent allowed by law, an affected mobilehome owner may refuse to pay any rent increase which is in violation of this chapter provided the affected mobilehome owners have filed with the clerk of the board of supervisors, a petition representing more than fifty percent of the affected mobilehome owners. Such refusal to pay shall, to the extent allowed by law, be a defense in any action brought to recover possession of a mobilehome space or to collect the rent increase, which action is attributed to the refusal to pay.

(Ord. 95-31, § 2).

540-2.1406 Retaliation—Mobilehome owners' right to organize.

(a) No park owner, manager or agent thereof may retaliate against a mobilehome owner or the mobilehome owner's assertion of exercise of rights under this chapter, in any manner, including but not limited to: improperly threatening to bring or bringing an action to recover possession of a mobilehome space; engaging in any form of harassment; improperly decreasing park services; improperly increasing the space rent; or improperly imposing a security deposit or any other charge payable by a mobilehome owner.

(b) In an action by or against a mobilehome owner, evidence of the assertion or exercise by the mobilehome owner of rights under this chapter or other activity in furtherance of mobilehome owners' rights and

organizations within six months prior to the alleged act of retaliation shall create a presumption affecting the burden of producing evidence that the park owner's conduct was in retaliation for the mobilehome owner's assertion or exercise of rights under this chapter.

(c) To the extent allowed by law, any mobile-home owner whose rights under this chapter are violated may bring a civil action for declaratory, and/or injunction relief, and/or for damages.

To the extent allowed by law, any park owner who retaliates in violation of subsection (a) of this section shall be liable to the affected mobilehome owner in a civil action or the actual damages sustained, plus reasonable attorney's fees and costs. Although a park owner's agent may be sued for declaratory and/or injunctive relief under this section, in no event may a mobilehome owner bring an action for damages against a park owner's agent or recover attorneys fees from the park owner's agent.

(Ords. 99-24, § 15, 95-31, § 2).

540-2.1408 Mobilehome owner's right to agree to term of lease.

(a) Every mobilehome owner and prospective mobilehome owner shall have the option to reject an offered rental agreement and accept a rental agreement for a term of twelve months or less, including a month-to-month agreement.

(b) Before any rental agreement or lease is excess of twelve months is executed by the mobilehome owner or prospective mobilehome owner, the park owner must: (1) offer the mobilehome owner or prospective mobilehome owner the option of a rental agreement for a term of twelve months or less, (2) provide the mobilehome owner or prospective mobilehome owner with a copy of the ordinance codified in this chapter or an information sheet briefly summarizing the ordinance, prepared by the rent review officer, stating that the park is subject to this chapter and that a copy of this chapter may be obtained from the rent review officer, and (3) inform the mobilehome owner or prospective mobilehome owner in writing that if the mobilehome owner or prospective mobilehome owner ~~he or she~~ signs a lease or rental agreement with a term in excess of twelve months, the lease or rental agreement may not be subject to the terms and protection of this chapter.

(c) A notice, which conforms to the following language and printed in bold letters of the same type size as the largest type size used in the rental agreement, shall be presented to the mobilehome owner or prospective mobilehome owner at the time of presentation of a rental agreement creating a tenancy with a term greater than twelve months:

IMPORTANT NOTICE TO MOBILEHOME OWNER REGARDING THE PROPOSED RENTAL AGREEMENT FOR _____ MOBILEHOME PARK: PLEASE TAKE NOTICE THAT THIS RENTAL AGREEMENT CREATES A TENANCY WITH A TERM IN EXCESS OF TWELVE (12) MONTHS. BY SIGNING THIS RENTAL AGREEMENT, YOU ARE EXEMPTING THIS MOBILEHOME SPACE FROM THE PROVISIONS OF THE COUNTY OF CONTRA COSTA MOBILEHOME SPACE RENT STABILIZATION ORDINANCE FOR THE TERM OF THIS RENTAL AGREEMENT. THIS ORDINANCE AND THE STATE MOBILEHOME RESIDENCY LAW (CALIFORNIA CIVIL CODE SEC. 798 et seq.) GIVE YOU CERTAIN RIGHTS. BEFORE SIGNING THIS RENTAL AGREEMENT, YOU MAY CHOOSE TO SEE A LAWYER. UNDER THE PROVISIONS OF STATE LAW, YOU HAVE A RIGHT TO BE OFFERED A RENTAL AGREEMENT FOR (1) A TERM OF TWELVE (12) MONTHS, OR (2) A LESSER PERIOD AS YOU MAY REQUEST, OR (3) A LONGER PERIOD AS YOU AND THE MOBILEHOME PARK MANAGEMENT AGREE. YOU HAVE A RIGHT TO REVIEW THIS AGREEMENT FOR THIRTY (30) DAYS BEFORE ACCEPTING OR REJECTING IT. IF YOU SIGN THE RENTAL AGREEMENT YOU MAY CANCEL THE RENTAL AGREEMENT BY NOTIFYING THE PARK MANAGEMENT IN WRITING OF THE CANCELLATION WITHIN SEVENTY-TWO (72) HOURS OF YOUR EXECUTION OF THAT AGREEMENT. IT IS UNLAWFUL FOR A MOBILEHOME PARK OWNER OR ANY AGENT OR REPRESENTATIVE OF THE OWNER TO DISCRIMINATE OR RETALIATE AGAINST YOU BECAUSE OF THE EXERCISE OF ANY RIGHTS YOU

MAY HAVE UNDER THE COUNTY MOBILEHOME ORDINANCE, OR BECAUSE OF YOUR CHOICE TO ENTER INTO A RENTAL AGREEMENT WHICH IS SUBJECT TO THE PROVISIONS OF THAT ORDINANCE.

(d) The notice described in the previous subsection shall contain a place for the mobilehome owner or prospective mobilehome owner to acknowledge receipt of the notice and shall also contain an acknowledgement signed under penalty of perjury by the park owner or manager that the notice has been given to the mobilehome owner or prospective mobilehome owner in accordance with the previous subsection. A copy of the notice executed by the park owner or manager shall be provided to the mobilehome owner or prospective mobilehome owner.

(e) Pursuant to Civil Code Section 798.17, the provisions of this article regulating the amount of space rent which a park owner may charge for a mobilehome space shall not apply to any tenancy created by a rental agreement which is in excess of twelve months in duration. If a rental agreement subject to Civil Code Section 798.17 expires or is terminated and a new agreement is not entered, the last space rent charged under the provisions of the previous rental agreement shall be space rent charged for the mobilehome space, and the space rent for that mobilehome space may be increased only in accordance with the provisions of this chapter.

(Ords. 99-24, § 16, 95-31, § 2).

Article 540-2.16. Administration and Enforcement

540-2.1602 Administration fee.

(a) Imposition. A rent stabilization administrative fee shall be imposed upon each mobilehome space subject to the rent stabilization requirements of this chapter. Said fee is imposed for the purpose of funding or defraying all costs of administering and enforcing the requirements of this chapter, and may include fees paid for hearings and other proceedings under this chapter unless otherwise collected.

(b) Amount. The county administrator shall report to the board of supervisors not less than once each fiscal year, ~~his~~ the county administrator's recommendation regarding the amount of the fee necessary to pay the costs of administering this chapter. The amount of the fee shall be as determined by resolution of the board of supervisors. The fee shall not exceed the amount reasonably necessary to administer and enforce the requirements of this chapter.

(c) Payment. the park owner shall pay the fee for all of the mobilehome spaces in a park upon which the fee is levied within forty-five days of mailing of the billing.

(d) Proration. The county administrator may allow the payment of prorated fees if a mobilehome space is subject to the rent stabilization requirements of this ordinance for a period of nine months or less of the year for which the fee is levied.

(e) Payment by Mobilehome Owners. A park owner may pass through thirty-five percent of the administration fees assessed against the mobilehome spaces in the park to mobilehome owners. The portion of the fee to be passed through shall be apportioned equally among the affected mobilehome spaces. Sixty-five percent of the fee must be borne by the park owners and may not be passed through in any manner to the mobilehome owners.

(f) Required Information. The rent review officer may require a park owner to provide any and all information reasonably required by the rent review officer to determine and verify the amount of the administrative costs chargeable to a park owner. Upon ten days' written request by the rent review officer, the park owner shall provide any and all information reasonably required by the rent review officer to determine and verify the amount of the administrative costs chargeable to a park owner.

(Ord. 95-31, § 2; Civ. Code, § 798.49).

540-2.1604 Regulations.

The rent review officer may adopt rules and regulations consistent with the provisions of this chapter as necessary or convenient for the interpretation, administration and proper implementation of its requirements.

(Ord. 95-31, § 2).

540-2.1606 No waiver.

Any provision, whether oral or written, in or pertaining to a rental agreement whereby any provision of this chapter is waived or modified, is against public policy and void.

(Ord. 95-31, § 2).

540-2.1608 Remedies and penalties.

In addition to those remedies and penalties set forth elsewhere in this chapter, the following remedies and penalties shall apply:

(a) Award By Rent Review Officer. When a rent review officer finds that a park owner has demanded, received or retained space rent from any mobilehome owner to which the park owner is not entitled, the rent review officer to the extent allowed by law may award any actual monetary damages and costs incurred by the mobilehome owners as a result of the space rent demanded, received or retained by the park owner.

In no event shall a hearing officer or court award damages where a park owner has cured an alleged mistake within fifteen days of notice of the alleged mistake from the rent review officer.

(b) Court Decision. When a court in reviewing a decision of the hearing officer finds that a park owner has demanded, received or retained space rent to which the park owner is not entitled, the court may, to the extent allowed by law, award costs and reasonable attorney's fees to the mobilehome owner as a result of space rent demanded, received or retained, by the park owner.

(Ord. 95-31, § 2).

540-2.1610 Review of chapter by board of supervisors.

If a park owner reports in writing to the director of community development the occurrence of a vacancy rate of five percent among the mobilehome spaces in the mobilehome park owned by such park owner in the preceding calendar month, the director of community development shall track the vacancy rate for each and all mobilehome parks for the next six months, and if the vacancy rate for all mobilehome spaces in all the mobilehome parks in the unincorporated area exceeds five percent for each of the six months, the director of community development shall promptly report such occurrence to the county administrator who shall schedule the report for consideration by the board of supervisors at a regular or special meeting called for such purpose. Upon receipt of the report the board shall review the report and the effectiveness of this chapter in addressing the problems giving rise to its enactment and take appropriate legislative action thereon. Notice of the time and place of board of supervisors review shall be published at least ten days prior to said date in a newspaper of general circulation in the county. In addition, notice shall be posted in a public place within each mobilehome park.

(Ord. 95-31, § 2).

Title 6
REVENUE AND FINANCE[1]

Division 61 GENERAL

Chapter 61-3 AUTHORIZED SIGNATURES

61-3.002 Monthly receipts affidavits.

Pursuant to Government Code Section 24355.1, the monthly statement of receipts required by Sections 24354 or 24355 may be signed and verified either by the responsible official or by the deputy, agent or assistant designated by the responsible official ~~him~~ in writing to the auditor.

(Ord. 75-23)

Division 62 WARRANTS AND FUNDS

Chapter 62-2 WARRANTS

62-2.002 Lost.

A warrant is considered lost if it has been mailed and has not been received by the addressee within ten days after the date of mailing.

(Ord. 1921: prior code § 2550)

Chapter 62-4 CAPITAL OUTLAY FUND

62-4.002 Capital outlay fund.

A capital outlay fund is established pursuant to Article 4, Chapter 4, Part 1, Division 2, of Title 5 of the Government Code (Sections 53730 ff.), for which assessments and taxes shall be levied and collected from time to time by this board.

---

[1]Cross reference(s)—

For purchasing provisions, see Ch. 1108-2, this code.
For disposition of unclaimed property, see Ch. 1108-4, this code.
For leasing procedures, see Ch. 1108-6, this code.

(Ord. 69-64 § 1, 1969: prior code § 2540)

Chapter 62-6 PEACE OFFICERS' TRAINING FUND

62-6.002 Adherence to standards.

(a) The county declares that it desires to qualify to receive aid from the state under the provisions of Sections 13510 (as amended by Chapter 710 of the Statutes of 1981) and 13524, Chapter 1, of Title 4, Part 4, of the California Penal Code.

(b) Pursuant to Section 13522, the county will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training (POST).

(c) The county will allow the commission on POST and its representatives to make such inquiries as deemed appropriate by the commission, to ascertain that the District Attorney Inspectors, Marshals and Deputy Marshals adhere to the standards for recruitment and training established by the California Commission on POST.

(Ords. 82-8 § 1, 1510; prior code § 2535)

Chapter 62-8 PROBATION COSTS FUND

62-8.002 Penal Code § 1203.1b operative.

The provisions of Penal Code Section 1203.1b are adopted and made operative in Contra Costa County.

(Ord. 89-26)

Division 64 TAXES

Chapter 64-2 SALES AND USE TAX

Article 64-2.2. General

64-2.202 Purpose of chapter.

The board of supervisors declares that this chapter is adopted to achieve the following purposes, among others, and directs that the provisions of this chapter be interpreted in order to accomplish those purposes:

(1) To adopt sales and use tax regulations which comply with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the state;

(2) To adopt sales and use tax regulations which incorporate provisions identical to those of the Sales and Use Tax Law of the state insofar as those provisions are not consistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

(3) To adopt sales and use tax regulations which impose a one and one-quarter percent tax and provide a measure therefor that can be administered and collected by the state board of equalization in a manner that adopts itself as fully as practicable to, and requires the least possible deviation from, the

existing statutory and administrative procedures followed by the state board of equalization in administering and collecting the state sales and use taxes;

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

(Ord. 72-26 § 1, 1972; Ord. 1582: prior code § 2520: Ord. 1042).

64-2.204 Effective date of chapter.

This chapter shall become operative on October 1, 1956, and before its effective date this county shall contract with the state board of equalization to perform all functions incident to the administration and operation of these sales and use tax regulations.

(Prior code § 2521: Ord. 1061).

64-2.206 When chapter inoperative.

This chapter shall become inoperative on the first day of the first calendar quarter which commences more than sixty days following the date on which any city within the county increases or establishes the rate of its sales and use tax above the rate of .975%, which is the rate uniformly in effect since October 1, 1956.

(Ord. 83-20; prior code § 2522: Ord. 1042: Rev. & Tax Code § 7202(e): see also § 64-2.214).

64-2.208 Incorporation of state code amendments.

(a) All amendments of the Revenue and Taxation code enacted after October 1, 1956, which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter.

(b) Sections 64-2.414, 64-2.610 and 64-2.210(b) shall become operative on January 1st of the year following the year in which the state board of equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Revenue and Taxation Code Section 401, at which time Sections 64-2.412, 64-2.608 and 64-2.210(a) shall become inoperative.

(c) If Sections 64-2.414, 64-2.610 and 64-2.210(b) of this chapter become operative and the state board of equalization subsequently adopts an assessment ratio for state-assessed property which is higher than the ratio which is required for local assessments by Revenue and Taxation Code Section 401, Sections 64-2.412, 64-2.608 and 64-2.210(a) shall become operative on the first day of the month next following the month in which such higher ratio is adopted, at which time Sections 64-2.414, 64-2.610, and 64-2.210(b) shall be inoperative until the first day of the month following the month in which the board again adopts an assessment ratio for state-assessed property which is identical to the ratio required for local assessments by Revenue and Taxation Code Section 401, at which time Sections 64-2.414, 64-2.610, and 64-2.210(b) shall again become operative and Sections 64-2.412, 64-2.608, and 64-2.210(a) shall become inoperative.

(Ord. 73-91 § 4, 1973; prior code § 2525: Ord. 1042).

64-2.210 Credit for city taxes.*

Any person subject to a sales or use tax or required to collect a use tax under this chapter shall be entitled to credit against the payment of taxes due under this chapter the amount of sales and use tax due any city in this county, provided that the city sales and use tax is levied under an ordinance including provisions substantially conforming to the provisions of subdivision (1) to (10), inclusive, of subsection (i) of Section 7202 of the Revenue and Taxation Code, and other applicable provisions of Part 1.5 of Division 2 of that code.

(Ords. 83-69 § 4, 73-91 § 1: prior code § 2526: Ord. 1042).

* This Section shall be operative on the operative date of any act of the Legislature of the state of California, which amended or repeals and reenacts Sections 7202 and 7203 of the Revenue and Taxation code to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on October 1, 1983.

64-2.212 No injunction against collection.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the state or this county or against any officer of the state or this county to prevent or enjoin the collection under this chapter or under Part 1.5 of Division 2 of the Revenue and Taxation Code of any tax or any amount of tax required to be collected.

(Prior code § 2527: Ord. 1042).

64-2.214 When chapter inoperative.

This chapter may be made inoperative not less than sixty days, but not earlier than the first day of the calendar quarter, following the county's lack of compliance with Article II (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code.

(Ord. 72-26 § 7, 1972: prior code § 2528).

Article 64-2.4. Sales Tax

64-2.402 Sales tax—Imposition.

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the county, at the rate of one percent of the retailer's gross receipts from the sale of all tangible personal property sold at retail in this county to and including June 30, 1972, and at the rate of one and one-quarter percent thereafter.

(Ord. 72-26 § 2, 1972: Ord. 1582: prior code § 2523(a) (1): Ord. 1062: Ord. 1042).

64-2.404 Sales tax—Place of business.

For the purposes of this chapter all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's ~~his~~ agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than

one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

(Ord. 1582: prior code § 2523(a) (2): Ord. 1062: Ord. 1042).

64-2.406 Sales tax—State statutes adopted.

As hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the state of California, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, as amended and in force and effect on October 1, 1956, applicable to sales taxes, are adopted and made a part of this section as though fully set forth herein.

(Ord. 1582: prior code §2523(b) (1): Ord. 1062: Ord. 1042).

64-2.408 Sales tax—Substitution of "county" for "state."

Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code that the state of California is named as the taxing agency, the name of the county of Contra Costa shall be substituted for it. Nothing in this section shall be deemed to require the substitution of the name of the county of Contra Costa for the word "state" when that word is used as part of the title of the state controller, state treasurer, the state board of control, the state board of equalization, or the name of the state treasury, or the Constitution of the state of California; nor shall the name of the county be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the county or any of its agencies rather than by or against the state board of equalization on performing the functions incident to the administration or operation of this chapter; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the state under the provisions of the Revenue and Taxation Code; and, in addition, the name of the county shall not be substituted for that of the state in Sections 6701, 6702, except in the last sentence thereof, 6711, 6715, 6737, 6797, and 6828 of the Revenue and Taxation Code as adopted.

(Ord. 1582: prior code § 2523(b) (2): Ord. 1062: Ord. 1042).

64-2.410 Sales tax—Seller's permit.

If a seller's permit has been issued to a retailer under Revenue and Taxation Code Section 6067, this section does not require an additional seller's permit.

(Ord. 72-76 § 3, 1972: Ord. 1582: prior code § 2523(b)(3): Ord. 1062: Ord. 1042).

64-2.412 Sales tax—Computation exclusions.

There shall be excluded from the gross receipts by which the tax is measured:

(1) The amount of any sales or use tax imposed by the state of California upon a retailer or consumer.

(2) Eighty percent of the gross receipts from the sale of property to operators of common carriers and waterborne vessels to be used or consumed in the operation thereof principally outside this county.

(Ord. 72-26 § 4, 1972: Ord. 1582: prior code § 2523(b)(4): Ord. 1062: Ord. 1042).

64-2.414 Exclusions from gross receipts.

(a) There shall be excluded from the gross receipts by which the tax is measured:

(1) The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;

(2) Eighty percent of the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

(b) There shall be excluded from the gross receipts by which the tax is measured:

(1) The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;

(2) Eighty percent of the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes;

(3) Eighty percent of the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

(Ords. 83-69 § 5, 73-91 § 1).

* This section shall be operative on the operative date of any act of the Legislature of the state of California, which amended or repeals and reenacts Sections 7202 and 7203 of the Revenue and Taxation Code to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on October 1, 1983.

Article 64-2.6. Use Tax

64-2.602 Use tax—Imposition.

An excise tax is imposed on the storage, use or other consumption in this county of tangible personal property purchased from any retailer, for storage, use or other consumption in the county, at the rate of one percent of the sales price of the property to and including June 30, 1972, and at the rate of one and one-quarter thereafter. The sales price includes delivery charges when such charges are subject to state sales or use tax, regardless of the place to which delivery is made.

(Ord. 72-26 § 5, 1972: Ord. 1582: prior code § 2524(a): Ord. 1062: Ord. 1042).

64-2.604 Use tax—State statutes adopted.

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, as amended and in force and effect on October 1, 1956, applicable to use taxes, are adopted and made a part of this section as though fully set forth herein.

(Ord. 1582: prior code § 2524(b)(1): Ord. 1062: Ord. 1042).

64-2.606 Use tax—Substitution of "county" for "state."

Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code the state of California is named or referred to as the taxing agency, the name of this county shall be substituted therefor. Nothing in this section shall be deemed to require the substitution of the name of this county for the word "State" when that word is used as part of the title of the state controller, the state treasurer, the state board of control, the state board of equalization, or the name of the state treasurer, or of the Constitution of the state of California; nor shall the name of the county be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the county or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that code; and in addition, the name of the county shall not be substituted for that of the state in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, and 6828 of the Revenue and Taxation Code as adopted, and the name of the county shall not be substituted for the word "State" in the phrase "retailer engaged in business in this state" in Section 6203 nor in the definition of that phrase in Section 6203 of the Revenue and Taxation Code.

(Ord. 1582: prior code § 2524(b)(2): Ord. 1062: Ord. 1042).

64-2.608 Use tax—Exemptions.

There shall be exempt from the tax due under this section:

(1) The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;

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

(3) Eighty percent of the tax on the storage or use of tangible personal property in the transportation or transmission of persons, property, or communication, or in the generation, transmission or distribution of electricity, or in the manufacture, transmission or distribution of gas, in intrastate, interstate or foreign commerce by public utilities which are regulated by the State Public Utilities Commission.

(Ord. 72-26 § 6,1972; Ord. 1582: prior code § 2524(b)(3): Ord. 1062: Ord. 1042).

64-2.610 Use tax—Additional exemptions.

(a) There shall be exempt from the tax due under this section:

(1) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

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

(3) Provided, however, that the storage, use, or other consumption of tangible personal property purchased by operators of carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempt from eighty percent of the tax.

(b) There shall be exempt from the tax due under this section:

(1) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

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

(3) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes is exempted from eighty percent of the tax.

(4) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, and storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempt from eighty percent of the tax.

(Ords. 83-69 § 6, 73-91 § 2).

* This section shall be operative on the operative date of any act of the Legislature of the state of California, which amended or repeals and reenacts Sections 7202 and 7203 of the Revenue and Taxation Code to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on October 1, 1983.

*Chapter 64-4 TRANSIENT OCCUPANCY TAX**

Article 64-4.2. General Provisions

64-4.202 Title.

This chapter shall be known as the "uniform transient occupancy tax ordinance of Contra Costa County."

(Prior code § 2530).

64-4.204 Definitions.

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

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

(2) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

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

(4) "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days, and excluding tenancies from month to month. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered.

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

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

(7) "Tax administrator" means the Contra Costa County treasurer-tax collector and the treasurer-tax collector's~~his~~ duly appointed deputies.

(Ord. 1891: prior code § 2530.1).

Article 64-4.4. Imposition and Administration

64-4.402 Rate.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. This tax constitutes a debt owed by the transient to the county which is extinguished only by payment to the operator or to the county. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

(Ords. 90-102, § 1; 83-38, § 1; 80-73, § 1; prior code § 2530.2: Ord. 1891).

64-4.404 Imposition - Exemptions.

No tax shall be imposed upon:

(1) Any person as to whom, or any occupancy as to which, it is beyond the power of the county to impose the tax herein provided;

(2) Any federal or state of California officer or employee when on official business;

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

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

(Ords. 1891: prior code § 2530.3).

64-4.406 Administration - Operator's duties.

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

(Ord. 1891: prior code § 2530.4).

64-4.408 Administration-Registration of hotel.

Within thirty days after the effective date of this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register the hotel with the tax administrator and obtain from the tax administrator~~him~~ a "transient occupancy registration certificate" to be at all times available upon demand on the premises by a transient or the tax administrator. Whenever there is a change in the identity of the owner or operator of any such hotel, the operator must secure a new "transient occupancy registration certificate" for the premises and the tax administrator may require the payments of all approved transient occupancy taxes, whether due or not as a condition to the issuance of such new certificate. The certificate shall, among other things, state the following:

(1) The name and address of the operator;

(2) The name and address of the owner;

(3) The name and address of the hotel;

(4) The date upon which the certificate was issued;

(5) "This Transient Occupancy Registration Certificate signifies that the operator named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this county. This certificate does not constitute a permit."

(Ord. 1891: prior code § 2530.5).

64-4.410 Administration — Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax administrator, make a return to the tax administrator, on forms provided by the tax administrator~~him~~, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is file the full amount of the tax collected shall be remitted to the tax administrator. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the county until payment thereof is made to the tax administrator.

(Ord. 1891: prior code § 2530.6).

Article 64-4.6. Penalties and Interest

64-4.602 Penalties and interest—Generally.

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

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

(c) Fraud: If the tax administrator makes a written finding of facts showing that the nonpayment of any tax or penalties due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections (a) and (b).

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

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

(Ord. 1891: prior code § 2530.7).

64-4.604 Penalties and interest—Failure to collect and report.

If any operator shall negligently fail or ~~wilfully~~willfully refuse to collect the tax or to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as the tax administrator ~~he~~ may deem best to obtain facts and information on which to base the tax administrator's~~his~~ estimate of the tax due. As soon as the tax administrator shall procure such facts and information as the assessment the tax administrator~~he~~ is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has negligently failed or ~~wilfully~~willfully refused to collect the same or to make such report and remittance, ~~he~~ the tax administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at the operator's ~~his~~ last known place of address. Such operator may within ten days after the serving or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If

application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the tax administrator shall determine the tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 64-4.606.

(Ord. 1891: prior code § 2530.8).

64-4.606 Penalties and interest—Appeal.

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the board of supervisors by filing a notice of appeal with the county clerk within fifteen days of the serving or mailing of the determination of tax due. The board of supervisors shall fix a time and place for hearing such appeal, and the county clerk shall give notice in writing to such operator at the operator's ~~his~~ last known place of address. The findings of the board of supervisors shall be final and conclusive shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Ord. 1891: prior code § 2530.5).

Article 64-4.8. Collection

64-4.802 Collection—Records.

It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be~~he~~ necessary to determine the amount of such tax as the operator~~he~~ may have been liable for the collection of and payment to the county, which records the tax administrator shall have the right to inspect at all reasonable times.

(Ord. 1891: prior code § 2530.10).

64-4.804 Collection—Refunds—Claim filing required.

Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the county under this chapter it may be refunded as provided in Sections 64-4.806 and 64-4.808, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within one year of the date of payment. The claim shall be on forms furnished by the tax administrator.

(Ords. 96-5 § 1, 1891: prior code § 2530.11(a)).

64-4.806 Collection—Refunds—Operator claims.

An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall

be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

(Ord. 1891: prior code § 2530.11(b)).

64-4.808 Collection Refunds—Transient claims.

A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the county by filing a claim in the manner provided in Section 64-4.804, but only when the tax was paid by the transient directly to the tax administrator, or when the transient having paid the tax to the operator, the operator has not obtained a refund or credit for such tax.

(Ord. 1891: prior code § 2530.11(c)).

64-4.810 Collection—Refunds—Written record required.

No refund shall be paid under the provisions of Sections 64-4.804—64-4.810 unless the claimant establishes the claimant's~~his~~ right thereto by written records showing entitlement thereto.

(Ord. 1891: prior code § 2530.11(d)).

64-4.812 Collection—Actions.

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

(Ord. 1891: prior code § 2530.12).

Chapter 64-6 DOCUMENTARY TRANSFER TAX

Article 64-6.2. General Provisions

64-6.202 Title.

This chapter shall be known, and may be cited, as the "documentary transfer tax ordinance of Contra Costa County."

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.1 (part)).

64-6.204 Authority.

This chapter is enacted pursuant to Part 6.7 of Division 2 (Sections 11901 ff.) of the California Revenue and Taxation Code.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.1 (part)).

Article 64-6.4. Imposition

64-6.402 Imposition—Subject documents.

A tax is imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within this county is granted, assigned, transferred, or otherwise conveyed to or vested in purchaser(s) or any other person(s) by ~~his or~~ their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.2 (part)).

64-6.404 Imposition—Rate.

The rate of this tax is fifty-five cents for each five hundred dollars, or fractional part thereof, of the consideration or value.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.2 (part)).

64-6.406 Imposition—Payment liability.

Any person who makes, signs, or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued, shall pay this tax.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.3).

Article 64-6.6. Exemptions

64-6.602 Exemptions—Debt security.

This tax does not apply to any written instrument given to secure a debt.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.4).

64-6.604 Exemptions—Governmental bodies.

Any deed, instrument or writing to which the United States or any agency or instrumentality thereof, or any state or territory or political subdivision thereof (exempt agencies), is a party and acquiring title thereby shall be exempt from this tax.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67~73 § 1 (part), 1967: prior code § 2533.5).

64-6.606 Exemptions—Bankruptcies.

(a) This tax does not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

(1) Confirmed under the Federal Bankruptcy Act, as amended;

(2) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (in) of Section 205 of Title 11 of the United States Code, as amended;

(3) Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or

(4) Whereby a mere change in identity, form or place of organization is effected.

(b) Subdivisions (1) to (4), inclusive, of subsection (a) shall apply only if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.6).

64-6.608 Exemptions—Securities and Exchange Commission.

This tax does not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

(1) The order recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

(2) The order specifies the property to be conveyed; and

(3) Such conveyance is made in obedience to the order.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.7).

64-6.610 Exemptions—Partnerships.

(a) This tax does not apply to transfers of interest in realty owned by a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954 if the partnership continues to hold the realty concerned.

(b) If there is a termination of any such partnership, it shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by it at the time of such termination.

(c) Not more than one such tax shall be imposed by reason of such a termination and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.8).

Article 64-6.8. Administration

64-6.802 Administration—City tax credit.

If any city council in this county imposes a tax pursuant to Revenue & Taxation Code Sections 11901 ff. equal to one-half the rate set in Section 64-6.404, such tax shall be credited against any tax under this chapter.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.9).

64-6.804 Administration—Recorder responsibility.

The county recorder shall administer this chapter and any city ordinance referred to in Section 64-6.802.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.11(a)).

64-6.806 Administration—Report by recorder.

The recorder shall report to the county auditor, on or before the fifth of every month, the amounts of these taxes collected in the preceding month.

(Ord. 70-34 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.11(b) (part)).

64-6.808 Administration—Distribution of moneys.

The county auditor shall monthly allocate and distribute these tax moneys as follows:

(1) All moneys which relate to transfers of real property located in the unincorporated territory of the county shall be allocated to the county.

(2) All moneys which relate to transfers of real property located in a city in the county which has imposed a tax pursuant to Part 6.7 shall be allocated one-half to such city and one-half to the county.

(3) All moneys which relate to transfers of real property located in a city in the county which imposes a tax on transfers of real property not in conformity with Part 6.7 shall be allocated to the county.

(4) All moneys which relate to transfers of real property in a city in the county which does not impose a tax on transfers of real property shall be allocated to the county.

(Ord. 70-43 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.1 1(b) (part)).

64-6.810 Administration—No recording without payment.

The recorder shall not record any deed, instrument or writing subject to this tax unless the tax is paid. If the party submitting the document for recordation so requests, the amount of tax due shall be shown on a separate paper affixed to the document by the recorder after the permanent record is made and before the original is returned as specified in Government Code Section 27321. Failure to collect the tax shall not affect the constructive notice otherwise imparted by the recording.

(Ord. 70-43 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.12(a)).

64-6.812 Administration—Declaration of amount due.

Every document subject to this tax shall show on its face (or separately per Section 64-6.810) a declaration of the amount of tax due, signed by the party computing the tax or the party's ~~his~~ agent, including a statement of whether the consideration or value used for computation excluded the value of any lien or encumbrance remaining on the interest or property conveyed at time of sale. The recorder may rely on this declaration, provided the recorder~~he~~ has no reason to believe that the full amount of the tax due has not been paid.

(Ord. 70-43 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.12(b)).

64-6.814 Administration—Location of realty to be shown.

Every document subject to this tax shall show on its face the incorporated or unincorporated location of the realty described therein, for the purposes of Section 64-6.808.

(Ord. 7043 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.12(c)).

64-6.815 Assessor's parcel number.

Each writing by which real property is sold, granted, assigned, transferred, or otherwise conveyed, shall have noted upon it the tax roll parcel number (county assessor's parcel number).

(Ord. 79-56; Rev. & Tax. C. § 11911.1).

64-6.816 Administration—Refunds.

Claims for refunds of these taxes shall be governed by the provisions of Revenue and Taxation Code Sections 5096 ff.

(Ord. 70-43 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § I (part), 1967: prior code § 2533.13).

64-6.818 Administration—Interpretation of chapter.

This chapter shall be interpreted consistently with those Documentary Stamp Tax Regulations adopted by the Internal Revenue Service of the United States Treasury Department which relate to the Tax on Conveyances and identified as Sections 47.4361-1, 47.4361-2 and 47.4362-1 of Part 47 of Title 26 of the Code of Federal Regulations, as the same existed on November 8, 1967 except that the determination of what constitutes "realty" shall be by California law.

(Ord. 70-43 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.14).

64-6.820 Administration—Notice to produce records.

Whenever the recorder has reason to believe that the full amount of tax due hereunder has not been paid, ~~he~~the recorder may, by notice served on any person liable therefor, require the person~~him~~ to furnish a true copy of the person's ~~his~~ records relevant to the amount of the consideration or value of the interest or property conveyed.

(Ord. 70-43 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: 67-73 § 1 (part), 1967: prior code § 2533.15).

Article 64-6.10. Enforcement

64-6.1002 Enforcement—Violations.

Any person who makes, signs, issues or accepts or causes to be made, signed, issued or accepted, or who submits or causes to be submitted for recordation, any deed, instrument or writing subject to this tax, and makes any material misrepresentation of fact for the purpose of avoiding all or any part of this tax shall be guilty of a misdemeanor.

(Ord. 70-43 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.16 (part)).

64-6.1004 Enforcement—Unintentional errors.

No person shall be liable, either civilly or criminally, for any unintentional error made in designating the location of the lands, tenements or other realty described in a document subject to this tax.

(Ord. 70-43 § 1 (part), 1970: Ord. 68-22 § 1 (part), 1968: Ord. 67-73 § 1 (part), 1967: prior code § 2533.16 (part)).

Chapter 64-8 MORAGA FIRE PROTECTION DISTRICT REAL PROPERTY TAX

Article 64-8.2. General

64-8.202 Purpose and intent.

It is the purpose and intent of this chapter to authorize the levy of a tax on parcels of real property on the secured property tax roll of Contra Costa County that are within the Moraga fire protection district in order to augment funding for fire protection and prevention services.

This tax is a special tax within the meaning of Section 4 of Article XIIIA of the California Constitution, and this chapter is enacted pursuant to Government Code Section 53978 (adopted by Chapter 397 of the Statutes of 1979). Because the burden of this tax falls upon property, this tax also is a property tax, but this tax is not determined according to nor in any manner based upon the value of property; this tax is based, to the extent practical, upon the improvements to each parcel and, specifically, the risk of fire attendant to such improvements. Insofar as not inconsistent with this chapter or Chapter 397 of the Statutes of 1979 and insofar as applicable to a property tax that is not based on value, such provisions of the California Revenue and Taxation Code and of Article XIII of the California Constitution as relate to ad valorem property taxes are intended to apply to the collection and administration of this tax (Section 64-8.402 of this chapter), as authorized by Government Code Section 53978(d).

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining fire suppression equipment or apparatus, for paying the salaries and benefits of firefighting personnel, and for such other fire protection or prevention expenses as are deemed necessary by the Moraga fire protection district.

(Ord. 80-19 Art. 1).

64-8.204 Definitions.

The following definitions shall apply through this chapter:

(1) "Ad valorem property taxes" or "ad valorem real property taxes" means taxes on that secured roll real property which is subject to being sold for delinquency of such taxes. "Ad valorem property taxes" or "ad valorem real property taxes," therefore includes taxes based on the March 1, 1975, value of real property and taxes based on the value of real property at date of change of ownership, completion of new construction, or purchase where such has occurred after March 1, 1975.

(2) "Approved sprinkler system" means a sprinkler system conforming with the requirements of the district's fire code and any applicable building codes.

(3) "Combustible improvement" means any building or other improvement, including all attached parts of such building or other improvement, if any contents or part of the building or other improvement is capable of burning.

(4) "Component" means any part of the formula for the improved parcel fire risk factor or the unimproved parcel fire risk factor.

(5) "District" means Moraga fire protection district.

(6) "Fiscal year" means the period of July 1st through the following June 30th.

(7) "Improved parcel" means any parcel upon which any combustible improvement exists.

(8) "Improved parcel combined fire risk factor" means the total of the improved parcel fire risk factors for all combustible improvements on a parcel.

(9) "Improved parcel fire risk factor" means the figure calculated for each combustible improvement on an improved parcel, according to the following formula:

Improved parcel fire risk factor =

18 x C x vA x .5S

Where:

C = the coefficient for the type of construction of the improvement, as specified on page 1 of the Insurance Services Office Guide for Determination of Required Fire Flow, dated December, 1974. The type of construction of the improvement, which will determine the coefficient to be used, is to be determined in accordance with the definitions set forth in the first part of the appendix to the abovementioned guide. A copy of the guide shall be available for public inspection at the administrative headquarters of the district, Moraga, California.

Area = the approximate total square footage of the improvement, including all floors (basements included) and all attached parts of the improvement.

5 2/ft. for a combustible improvement that does not contain an approved sprinkler system.

S = 1/ft. for a combustible improvement that does contain an approved sprinkler system.

(10) "Improvement" means those items included within the Revenue and Taxation Code Section 105 definition of improvements, except for (a) fences, poles and walls that are not a part of or connected to a structure, and (b) trees and vines.

(11) "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Contra Costa County. For purposes of this chapter, "parcel" does not include any land or improvement outside the boundaries of the Moraga fire protection district nor any land or improvements owned by any governmental entity.

(12) "Rate" or "tax rate" means the amount, expressed in cents, which is to be multiplied by either the unimproved parcel fire risk factor or the improved parcel combined fire risk factor to compute the amount of tax on a parcel.

(13) "Taxpayer" means the assessee of the property as shown on the secured tax roll and, if different than the assessee, the person or legal entity actually paying the taxes.

(14) "Unimproved parcel" means any parcel except an improved parcel.

(15) "Unimproved parcel fire risk factor" means the figure calculated for an unimproved parcel according to the following formula:

Unimproved parcel fire risk factor

400 + (EA x 5/acre)

Where:

EA = the amount of acreage of the parcel that is in excess of one acre.

(Ord. 80-19 Art. 2).

Article 64-8.4. Imposition, Administration and Appeals

64-8.402 Setting tax rate—Computation and levy.

(a) Setting Tax Rate. The district's board of fire commissioners, prior to each July 1st, shall recommend to the district's board of directors the tax rate to be set for the next fiscal year. Thereafter, at a regularly scheduled meeting held prior to the end of July, the board of directors of the Moraga fire protection district shall set the rate which shall be applied to determine the taxes for the next fiscal year. The rate shall be in cents and shall be determined to the closest one-tenth of a cent (e.g., a rate of 4.5 cents) that the board of directors of the district deems appropriate to achieve the purposes of this chapter; provided, however, that said rate shall not exceed six cents unless an increase in such maximum rate is approved by two-thirds of the voters voting on such an increase in a district-wide election.

(b) Computation of Taxes.

(1) Improved parcels: the tax on each improved parcel shall be the amount, in dollars and cents, determined by multiplying the rate times the improved parcel combined fire risk factor for the parcel.

(2) Unimproved parcels: the tax on each unimproved parcel shall be the amount, in dollars and cents, determined for multiplying the rate times the unimproved parcel fire risk factor for the parcel.

(c) Levy of Taxes. Prior to the end of each July, the district's board of directors shall levy taxes upon the parcels in the Moraga fire protection district for the then current fiscal year by setting the rate and computing the taxes in accordance with subsections (a) and (b) above. Taxes levied on each parcel pursuant to this section shall be a charge upon the parcel and shall be due and collectible as set forth in Section 64-8.402 below. A complete listing of the amount of taxes on each parcel shall be maintained and be available for public inspection at the district's administrative headquarters during the remainder of the fiscal year for which such taxes are levied.

(Ord. 80-19 Art. 3).

64-8.404 Collection and administration.

(a) Taxes as Liens Against the Property. The amount of taxes for each parcel each year shall constitute a lien on such property, in accordance with Revenue and Taxation Code Section 2187, and shall have the same effect as an ad valorem real property tax lien until fully paid.

(b) Collection. The taxes on each parcel shall be billed on the secured roll tax bills for ad valorem property taxes and shall be due the Moraga fire protection district. Insofar as feasible and insofar as not inconsistent with this chapter, the taxes are to be collected by Contra Costa County on behalf of the district in the same manner in which the county collects secured roll ad valorem property taxes. Insofar as feasible and insofar as not inconsistent with this chapter, the times and procedures regarding exemptions, due dates, installment payments, corrections, cancellations, refunds, penalties, liens, and collections for secured roll ad valorem property taxes shall be applicable to the collection of this tax. Notwithstanding anything to the contrary in the foregoing, as to this tax: (1) the secured roll tax bills shall be the only notices required for this tax, (2) the appeal procedures set forth hereinbelow shall apply in lieu of appeals to the assessment appeals board, and (3) the homeowners' and veterans' exemptions are not applicable, because such exemptions are a function of dollar amount of value and this tax is a function of square footage or acreage.

(c) Publication of Notice of Time Limit for Filing Appeals. Within twenty days after the bills for the first installment of secured roll taxes have been mailed, the board of fire commissioners of the Moraga fire protection district shall cause a notice of right to appeal to be published once a week for two weeks in a newspaper of general circulation throughout the district. Such notice shall be headed "Notice of Appeals Period for Moraga Fire Protection District Special Tax for Fire Protection and Prevention Services" and shall contain the precise wording of all of Section 64-8.406.

(d) Costs of Administration by County. The reasonable costs incurred by the county officers collecting and administering this tax shall be deducted from the collected taxes before remittal of the balance to the district.

(Ord. 80-19 Art. 4).

64-8.406 Appeals.

(a) Filing.

(1) Appeals of the amount of the special tax for fire protection and prevention services for a parcel, or of any component of the tax, must be made by written application of the taxpayer to the district's board of fire commissioners and must be received at the district's administrative headquarters, Moraga, California, no later than the 31st of December following receipt of the tax bill for the first installment of secured roll taxes.

(2) Any such appeal must set forth all facts upon which the taxpayer contends that the taxes should be reduced. Any such appeal also must give the mailing address of the taxpayer, must specify by precise address or assessor's parcel number the location of the parcel for which the taxes are being appealed, and must contain a statement made under penalty of perjury that the facts set forth in the application are true.

(3) If the district's staff and the appealing taxpayer do not agree on a resolution of the issue(s) presented by the appeal, an application which complies with the requirements stated above shall be set for hearing before the board of fire commissioners of the district as soon as reasonably possible, and notice of such hearing shall be mailed to the appealing taxpayer at least two weeks in advance of the hearing.

(4) Filing of an appeal is not grounds for failing to timely pay the entire amount of taxes specified as due on the tax bill.

(5) If taxes are reduced or increased as a result of the decision of the commissioners, the taxes shall be refunded or collected, insofar as feasible, in the same manner as secured roll ad valorem property taxes are refunded or collected after assessment appeals board hearings.

(b) Hearing.

(1) The taxpayer or the taxpayer's~~his~~ designated representative may, but need not, be present at the hearing. If present, the taxpayer or the taxpayer's~~his~~ designated representative may present any relevant evidence and may be examined under oath by the district's representative and the commissioners. The district's representative may also present any relevant evidence and be examined under oath by the taxpayer, or the taxpayer's~~his~~ designated representative, and the commissioners. The burden of proof of any factual question shall be on the taxpayer.

(2) Within forty days after the hearing, the commissioners, by majority vote, shall determine what (if any) component of the tax bill shall be reduced or increased, and by how much. If taxes are to be reduced or increased as a result of the decision of the commissioners, the taxes shall be refunded or collected, insofar as feasible, in the same manner as secured roll ad valorem property taxes are refunded or collected after assessment appeals board hearings.

(Ord. 80-19 Art. 5).

Chapter 64-10 LICENSE TAX ON EXISTING HAZARDOUS WASTE FACILITY

Article 64-10.2. Definitions

64-10.202 Definitions.

Unless otherwise provided or required by the context, the following terms have these meanings in this chapter.

(1) "Existing hazardous waste facility" is defined in Health and Safety Code Section 25148.

(2) "Hazardous waste" is defined in Title 22, California Administrative Code, Section 66088.

(3) "Hazardous waste manifest" is defined in Title 22, California Administrative Code, Section 66104.

(4) "Disposal" is defined in Title 22, California Administrative Code, Section 66048.

(5) "Operator" is defined in Title 22, California Administrative Code, Section 66144.

(6) "Class I disposal site" is defined in Title 23, California Administrative Code, Section 2510.

(7) "Class II-1 disposal site" is defined in Title 23, California Administrative Code, Section 2511.

(Ord. 83-26 § 1).

64-10.204 Definitions—Amendments.

If the provisions of the Health and Safety Code or the California Administrative Code referred to in Section 64-10.202 are amended and or recodified, the respective terms shall be deemed to be similarly revised.

(Ord. 83-26 § 1).

Article 64-10.4. Imposition and Administration

64-10.402 License tax imposed.

A license tax is imposed on all existing hazardous waste facilities.

(Ord. 83-26 § 1).

64-10.404 Amount—Amendment.

(a) Amount. The amount of the license tax imposed by Section 64-10.402 shall be based upon the tonnage of hazardous wastes received at the existing hazardous waste facility, as follows:

(1) For hazardous wastes which may lawfully be received for disposal only at a Class I disposal site which are not treated before disposal, the tax is two dollars and twenty-five cents per ton.

(2) For hazardous wastes which may lawfully be received for disposal only as a Class I disposal site which are treated before disposal, the tax is one dollar and seventy-five cents per ton.

(3) For hazardous wastes which may lawfully be received for disposal at a Class II-1 disposal site, the tax is five dollars per truckload.

(b) Amendment by Resolution. The fee amounts in subsection (a) of this section may be revised from time to time by board resolution.

(Ord. 83-26 § 1: See Ord. C. § 18-2.002).

64-10.406 Hazardous waste manifest.

In determining the tonnage of hazardous wastes subject to the provisions of this chapter, the operator of an existing hazardous waste facility may rely on the hazardous waste manifest for the facility but such reliance does not relieve the operator of its duties to pay the tax pursuant to this chapter.

(Ord. 83-26 § 1).

64-10.408 Conversion to tonnage.

Where hazardous wastes are received in quantities measured other than by the ton, the following table may be used to convert said quantities to a tonnage basis.

Gallon (G)	=0.00417 ton
Kilogram (K)	=0.001102 ton
Liter (L)	=0.001102 ton
Cubic meter (M)	=1.102 ton
Metric ton (N)	=1.102 ton
Pound (P)	=.0005 ton
Cubic yard (Y)	=.8428 ton

(Ord. 83-26 § 1).

64-10.410 Payment.

Tax payments are due and payable monthly, ninety days after the end of the tax (calendar) month. Payments shall be made to the county auditor-controller.

(Ord. 83-26 § 1).

Article 64-10.5. Percentage Tax

64-10.502 Imposed.

In addition to the license tax based on tonnage or truckload imposed on the operation of existing hazardous waste facilities by Article 64-10.4, pursuant to Health and Safety Code Section 25149.5, there is hereby imposed on the operation of existing hazardous waste facilities, an additional license tax in the amount of ten percent of the annual gross receipts of each such facility.

(Ord. 87-58 § 2, 87-59 § 2).

64-10.504 Payment.

Tax payments are due and payable quarterly, ninety days after the end of each quarter of the fiscal year of the facility. Payments shall be made to the county auditor-controller.

(Ord. 87-58 § 2, 87-59 § 2).

64-10.506 Credit.

An existing hazardous waste facility shall receive a credit against the taxes required by this article for all payments of taxes based on tonnage or truckload made pursuant to Article 64-10.4, for the calendar months in a quarter. It is the intent of the board to impose the maximum tax allowed by Health and Safety Code § 25149.5. In no event shall the total amount of license tax required by Articles 64-10.4 and 64-10.5 exceed ten percent of the annual gross receipts each such facility.

(Ord. 87-58 § 2, 87-59 § 2).

64-10.508 Regulations.

The Board may from time to time, by resolution, issue regulations on administration, procedures, interpretation and policy direction for this chapter and the efficient collection of its tax.

(Ords. 87-58 § 2, 87-59 § 2).

64-10.510 Refund claim.

Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the county under this chapter it may be refunded provided a verified claim in writing therefor, stating the specific grounds upon which said claim is founded, is filed with the tax collector within one year from the date of payment. The claim shall be audited by the tax collector and shall be made in accordance with current county refund procedures. If the claim is approved, the refund may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person or to ~~his/her~~ the person's administrators or executors.

(Ord. 96-5 § 2).

Chapter 64-12 OFFSITE MULTIUSER HAZARDOUS WASTE FACILITIES TAX

Article 64-12.2. Tax

64-12.202 Imposed.

Pursuant to and in accordance with the provisions of California Health and Safety Code Section 25173.5, there is hereby imposed a tax on the operation of offsite, multiuser hazardous waste facilities in the amount of ten percent of the annual gross receipts of each such facility for the treatment, storage, or disposal of hazardous waste at each such facility.

(Ord. 90-101).

64-12.204 Payment.

Tax payments are due and payable quarterly, ninety days after the end of each quarter of the fiscal year of the facility. Payments shall be made to the county auditor-controller.

(Ord. 90-101).

64-12.206 Regulations.

The board may from time to time, by resolution, issue regulations on administration, procedures, interpretation and policy direction for this chapter and the efficient collection of its tax.

(Ord. 90-101).

64-12.208 Refund claim.

Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the county under this chapter, it may be refunded provided a verified claim in writing therefor, stating the specific grounds upon which said claim is founded, is filed with the tax collector within one year from the date of payment. The claim shall be audited by the tax collector and shall be made in accordance with current county refund procedures. If the claim is approved, the refund may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person or to ~~his/her~~the person's administrators or executors.

(Ord. 96-5 § 3).

Chapter 64-14 BUSINESS LICENSE TAX

Article 64-14.2. Purpose and Authority

64-14.202 Purpose and authority.

The purpose of this chapter is to effectuate Revenue and Taxation Code Section 7284 (CH 466, Stats. 1990; Cal. Const. Art. IV, § 8(c)(2)) in order to levy a business license tax in the unincorporated area of the county.

(Ord. 91-35 § 1).

Article 64-14.402. Definition and License Requirements

64-14.402 Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section.

(a) "Amusement and itinerant businesses" includes only those businesses which are (1) not operated or carried on regularly throughout the year in the unincorporated area of the county, such as circuses, carnivals, and other exhibitions or entertainments on an occasional basis and not otherwise licensed and (2) involve the operation of a temporary place of sale, and itinerant vendors, peddlers, hawkers and solicitors.

(b) "Business" includes all activities engaged in or caused to be engaged in within the unincorporated area of the county with the object of gain, benefit or advantage, whether direct or indirect, to the taxpayer

or to another or to others, but does not include the services rendered by an employee to the employee's ~~his or her~~ employer or a casual or isolated transaction.

(c) "Employee" means every person engaged in the operation or conduct of any business whether as an owner, any member of owner's family, partner, associate, agent, manager or solicitor, and any and all other persons engaged in such business. In addition, an "employee" means any person who works for or receives a salary for work in the unincorporated area of the county, from which Federal Withholding tax or Federal Insurance Compensation Act (FICA) funds have been withheld.

(d) "Engaging in business" means commencing, conducting or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(e) "Full time equivalent employee" shall be calculated by ascertaining the total number of hours of service including vacation, or other paid leave, performed by all employees of applicant within the unincorporated area of the county during the previous year ending on December 31st and dividing the total number of hours of service thus obtained by the number of hours of service constituting a year's work of one full-time employee according to the custom or laws governing such employment, in the absence of other such standards, one thousand eight hundred hours of service per year shall constitute one full-time employee.

(f) "Tax collector" shall mean the treasurer-tax collector of the county of Contra Costa.

(Ord. 91-35 § 1).

64-14.404 License required.

It is unlawful to engage in business in the unincorporated area of the county without first procuring a business license unless an exemption is granted.

(Ord. 91-35 § 1).

64-14.406 Exemptions.

Exemptions must be requested and acceptable proof must be presented to the tax collector that shows the business meets one or more of the following criteria:

(a) Nonprofit organizations as defined in Section 501 (c)(1), (2) or (3) of the Internal Revenue Code, as it currently exists or is hereafter amended;

(b) Businesses exempt from local taxation by virtue of the Constitution or applicable statutes of the United States or the state of California;

(c) Businesses with annual gross receipts less than twenty thousand dollars per year;

(d) Businesses which rent or lease to others no more than four residential dwelling units;

(e) Any public utility which pays a franchise tax to the county based on gross receipts. The exemption applies only to the business conducted under the franchise agreement;

(f) Every peddler, solicitor or other person entitled to exemption from the payment of any license provided for in this chapter upon the ground that such license casts an unreasonable burden upon the person's ~~his/her~~ right to engage in commerce with foreign nations, or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce;

(g) Businesses engaged in growing livestock, poultry or agricultural products for sale or disposal by the growers themselves.

(Ord. 91-35 § 1).

64-14.408 License fee a tax—Does not permit business otherwise prohibited.

"License," as used in this chapter, does not mean a permit. Any other permits or licenses which are required otherwise than by this chapter remain in effect and are not superseded by this chapter. The fees prescribed by this chapter constitute a tax for revenue purposes, and are not regulatory permit fees. The payment of a license tax required by the provisions of this chapter, and its acceptance by the county, and the issuance of a business license to any person, shall not entitle the holder thereof to carry on any business unless the person ~~he/she~~ has complied with all of the requirements of this chapter and all other applicable laws, nor to carry on any business in any building or on any premises designated in such license in the event that such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law.

(Ord. 91-35 § 1).

64-14.410 Contents of license.

Every person required to have a license under this chapter must apply for a license on an application form provided by the treasurer-tax collector. After the treasurer-tax collector receives the zoning verification specified in Section 64-14.414, a completed application form, and payment of the prescribed fee, the treasurer-tax collector shall issue a license that contains the following:

(a) The name of the person to whom the license is issued;

(b) Identification of the business licensed;

(c) The address where the business is to be carried on;

(d) The date that the license expires; and

(e) Such other information as the tax collector may determine.

(Ord. No. 2020-03, § II, 2-4-20; Ord. 91-35 § 1).

64-14.412 Annual license.

(a) All licenses issued, except daily licenses, and the first license issued to a new business, shall be issued and due for renewal effective July 1st and shall expire on the subsequent June 30th.

(b) New businesses shall have fees prorated to the beginning of the quarter in which the business is established and the license will expire June 30th.

(c) All daily licenses are due in advance no later than the day prior to the start of the business activity for which the license is necessary.

(Ord. 91-35 § 1).

64-14.414 Zoning verification.

Before a business license is issued, any business newly located or relocated in the unincorporated area of the county, or any business that has changed or modified its type of business, shall obtain written verification from the

Department of Conservation and Development confirming that the proposed business is consistent with all applicable zoning requirements. The issuance of a business license under this chapter does not constitute zoning approval and does not relieve anyone from the obligation to obtain all other permits or licenses required by this code and state law.

(Ord. 2020-03 § III, 2-4-20)

Article 64-14.6. License Procedures

64-14.602 Transfer of license—Procedure.

No license granted or issued under any provisions of this chapter shall be in any manner transferred or assigned, or authorize any person other than the person named in the license to carry on the business therein named, or to transact such business in any place other than the place of location therein named, without the written consent of the tax collector endorsed thereon. At the time such license is assigned or transferred or the place of location for the carrying on of such business is changed, the person applying for such transfer or change shall pay to the tax collector a fee, as provided in Section 64- 14.802, for each assignment or transfer.

(Ord. 91-35 § 1).

64-14.604 License to be conspicuously posted— Exception.

Every person having a license under the provisions of this chapter and carrying on a business at a fixed place of business shall keep such license posted and exhibited in some conspicuous part of said place of business. A copy of the license may be posted in additional business locations if the licensed business operates out of more than one location.

Every person having a license and not having a fixed place of business shall carry such license in possession at all times while carrying on the business for which the same was granted. Every peddler having a license shall keep such license prominently displayed.

(Ord. 91-35 § 1).

64-14.606 Multiple locations.

A separate license is not required for every branch establishment or separate place of business in which a business is carried on within the unincorporated area of the county. The flat fee portion of the business license tax is assessed on one location. The per employee fee is assessed for employees at all locations.

Article 64-14.8. Fees and Penalties

64-14.802 Rates.

Class A: All businesses not defined as amusements or itinerant businesses.

Flat fee $100 per business entity

Plus $ 10 per each full time

equivalent employee over one

Class B: Amusements and itinerant businesses.

Flat fee $100 per day

Other fees:

Transfer of license or location $10

Lost license/duplicate license $10

(Ord. 91-35 § 1).

64-14.804 Penalties and interest.

If a business license tax remains unpaid the tax collector shall:

(a) Impose twenty-five-percent penalty for an annual license tax which is not paid within thirty days of the due date;

(b) Impose twenty-five-percent penalty for a daily license tax which is not paid by the close of the day when it was due; and

(c) In addition to the penalties imposed, any person who fails to pay any license fee within thirty days of the due date shall pay interest at the rate of one and one-half percent per month or fraction thereof, on the amount of the fee and penalties from the date on which the license fee is delinquent, until paid.

(Ord. 91-35 § 1).

64-14.806 License a debt.

The amount of any license fee penalty, and interest imposed by the provisions of this chapter shall be deemed a debt to the county; and any person carrying on any business without first having procured a license from the county to do so shall be liable to action in the name of the county in any court of competent jurisdiction, for the amount of license and penalties and interest imposed on such business. The county may collect the debt through any legal means including attachment and seizure of business property.

(Ord. 91-35 § 1).

Article 64-14.10. Enforcement, Appeals, and Refunds

64-14.1002 Enforcement.

It is the duty of the tax collector, and the tax collector ~~he/she~~ is hereby directed, to enforce each and all of the provisions of this chapter. In the exercise of the duties imposed upon the tax collector ~~him/her~~ under this chapter, and acting through deputies or duly authorized assistants, the tax collector shall examine or cause to be examined from time to time all places of business in the unincorporated area of the county to ascertain whether the provisions of this chapter have been complied with.

The tax collector, and each and all of the tax collector's ~~his/her~~ assistants and any deputy sheriff, shall have the power and authority to enter, free of charge and at any reasonable time, any place of business required to be licensed in this chapter and demand an exhibition of its license certificate. Any person, having possession or control of such license certificate heretofore issued ~~in his/her possession or under his/her control~~, who willfully fails to exhibit the same on demand, shall be guilty of an infraction. It shall be the duty of the tax collector and each of the tax collector's ~~his/her~~ assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions.

(Ord. No. 2020-03, § IV, 2-4-20; Ord. 91-35 § 1).

64-14.1004 Remedies cumulative.

The conviction and punishment of any person for transacting any business without obtaining a license shall not excuse or exempt such person from the payment of any license tax due or unpaid at the time of such conviction, and nothing in this chapter shall prevent a criminal prosecution of any violation of the provisions of this chapter. All remedies prescribed under this chapter are cumulative and the use of one or more remedies by the county shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

(Ord. 91-35 § 1).

64-14.1006 Appeals.

(a) Any person aggrieved by any decision of an administrative officer or agency with respect to the issuance or refusal to issue a license, or the amount of a license tax, may appeal the county administrator by filing a written notice of appeal setting forth in full the grounds of the appeal, with the clerk of the board of supervisors.

(b) The county administrator is authorized to issue such regulations as may be reasonable and necessary to hear and determine such appeals. Such regulations shall be in writing, approved by the board of supervisors and available to any person so requesting them.

(c) The amount of any license tax finally determined, as provided in this section, or any other section of this chapter, shall be due and payable as of the date the original license fee was due and payable, together with any penalties and interest that may be due thereon; provided, however, if the amount of such license tax is fixed in accordance with the original statement of the applicant, then no penalty shall attach by reason of any delinquency.

(Ord. 91-35 § 1).

64-14.1008 Examination of books, records, witnesses — Information confidential — Penalty.

The tax collector, or any authorized employee of the tax collector is authorized to examine the books, papers and records of any person subject to this chapter for the purpose of verifying the accuracy of any application or, if no application was made, to ascertain the license fees due under this chapter. Every licensee or business operating in the unincorporated area of the county is directed and required to furnish to the tax collector, or the tax collector's ~~his/her~~ duly authorized agent or employee, the means, facilities and opportunity for making such examination and investigations as are authorized by this section. The tax collector is authorized to examine any person, under oath, for the purpose of verifying the accuracy of any application made, or, if no application was made, to ascertain the license fees due under this chapter, and for this purpose may compel the production of books, papers and records and the attendance of all persons before the tax collector~~him/her~~, whether as parties or witnesses, whenever the tax collector ~~he/she~~ believes such persons have knowledge of such matters. The refusal of such examination by any employer or person subject or presumed to be subject to the license fees shall be deemed a violation of this chapter.

(Ord. 91-35 § 1).

64-14.1010 Refund claim.

Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the county under this chapter, it may be refunded provided a verified claim in writing therefor, stating the specific grounds upon which said claim is founded, is filed with the tax collector within one year from the date of payment. The claim shall be audited by the tax collector and shall be made in accordance with current county refund procedures. If the claim is approved, the refund may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person or to the person's ~~his/her~~ administrators or executors.

(Ord. 96-5 § 4).

Chapter 64-16 CANNABIS BUSINESS TAX

Article 64-16.2 General

64-16.202 Title.

This chapter is known as the "Contra Costa County Cannabis Business Tax Ordinance."

(Ord. No. 2018-22, § I, 11-6-18)

64-16.204 General tax.

The tax imposed by this chapter is a general tax under Article XIIIC of the California Constitution. The tax imposed by this chapter is enacted solely for general governmental purposes and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the county's general fund and used for general governmental purposes.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.206 Purpose and applicability.

(a) The purpose of this chapter is to impose a tax on the privilege of cultivating, manufacturing, producing, processing, preparing, storing, providing, donating, selling, or distributing cannabis or cannabis products in the unincorporated area of the county, in accordance with the authority granted by Revenue and Taxation Code Section 34021.5.

(b) The tax imposed by this chapter is levied based upon gross receipts of commercial cannabis activities and upon square footage of cannabis plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property.

(c) The tax imposed by this chapter applies to all persons engaged in commercial cannabis activities in the unincorporated area of the county.

(d) This chapter does not authorize the conduct of any activity in the county but provides for the taxation of the activities specified in this chapter as they occur.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.208 Definitions.

(a) Except as otherwise provided in subsection (b), the definitions set forth in Division 10 of the Business and Professions Code apply to this chapter.

(b) For purposes of this chapter, the following words and phrases have the following meanings:

(1) "Commercial cannabis activity" means any activity, commercial or industrial enterprise, trade profession, occupation, vocation, calling, or livelihood, involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit. The term "commercial cannabis activity" does not include the services rendered by an employee to the empolyee's~~his or her~~ employer.

(2) "Canopy" has the meaning set forth in Title 3, California Code of Regulations, section 8000.

(3) "Cannabis business tax" means the tax due pursuant to this chapter for engaging in a commercial cannabis activity in the unincorporated area of the county.

(4) "Consumer Price Index" means the Consumer Price Index for all urban consumers in the San Francisco-Oakland-San Jose Area (1982-84=100) as published by the United States Bureau of Labor Statistics.

(5) "Delivery retailer" means a retailer that conducts retail sales of cannabis or cannabis products exclusively through deliveries.

(6) "Employee" means each and every person engaged in the operation or conduct of a business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in the business for a wage, salary, commission, barter or any other form of compensation.

(7) "Engaged in a commercial cannabis activity" means the commencing, conducting, operating, managing or carrying on of a commercial cannabis activity, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the unincorporated area of the County or coming into the unincorporated area of the County from an outside location to engage in these activities.

(8) "Fiscal year" means July 1 through June 30 of the following calendar year.

(9) "Gross receipts," except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether the service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. The following are excluded from gross receipts:

(A) Cash discounts where allowed and taken on sales;

(B) Any tax required by law to be included in or added to the purchase price and collected from the purchaser;

(C) That part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

(D) Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used in the regular course of business;

(E) Cash value of sales, trades or transactions between departments or units of the same business;

(F) Whenever there are included within the gross receipts amounts that reflect sales for which credit is extended and those amounts proved uncollectible in a subsequent fiscal year, those amounts may be excluded from the gross receipts in the fiscal year they prove to be uncollectible; provided, however, if the whole or portion of those amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the fiscal year when they are recovered;

(G) Receipts of refundable deposits, except forfeited deposits in excess of one dollar that are taken into income of the business;

(H) Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the finance department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

(10) "Mixed-light cultivation" has the meaning set forth in Title 3, California Code of Regulations, Section 8000.

(11) "Retailer" means a person engaged in the retail sale or delivery of cannabis or cannabis products to customers. A retailer may be a delivery retailer or a storefront retailer.

(12) "Storefront retailer" means a retailer that conducts retail sales of cannabis or cannabis products in whole or in part at a facility that is open to the public.

(13) "Vertically-integrated business" means a business that includes two or more of the following commercial cannabis activities: the retail sale of cannabis and cannabis products; commercial cannabis cultivation; manufacturing of cannabis products; and the distribution of cannabis or cannabis products.

(Ord. No. 2018-22, § I, 11-6-18)

Article 64-16.4 Cannabis Business Tax

64-16.402 Tax imposed.

A cannabis business tax is established and imposed at the rates set forth in this chapter. The cannabis business tax is levied on all persons engaged in a commercial cannabis activity.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.404 Tax on commercial cannabis cultivation.

(a) Beginning January 1, 2019, the tax rates on commercial cannabis cultivation are as follows:

(1) Seven dollars per square foot of canopy space in a structure where indoor cultivation occurs.

(2) Four dollars per square foot of canopy space in a structure where mixed-light cultivation occurs.

(3) Two dollars per square foot of canopy space where outdoor cultivation occurs.

(4) One dollar per square foot of canopy space in a facility that operates exclusively as a nursery.

(b) For purposes of determining the tax imposed under this section, the square footage of canopy space is the maximum square footage of canopy space allowed by the county zoning permit authorizing the commercial cannabis cultivation activity. If a person engaged in commercial cannabis cultivation does not have a zoning permit issued by the county, then the square footage of canopy space is the greater of:

(1) The maximum square footage of canopy space for commercial cannabis cultivation allowed by the state license type for the activity involved; or

(2) The square footage of canopy space determined by the treasurer-tax collector.

(c) The board of supervisors may, in its discretion, by ordinance, adjust the rate of the cannabis business tax imposed on commercial cannabis cultivation to a rate equal to or above the minimum rate and up to the maximum rate, as adjusted by the Consumer Price Index pursuant to subsection (d). For commercial cannabis cultivation, the minimum rates and maximum rates are as follows:

(1) A minimum of seven dollars per square foot of canopy space and a maximum of ten dollars per square foot of canopy space in a structure where indoor cultivation occurs.

(2) A minimum of four dollars per square foot of canopy space and a maximum of seven dollars per square foot of canopy space in a structure where mixed-light cultivation occurs.

(3) A minimum of two dollars per square foot of canopy space and a maximum of four dollars per square foot of canopy space where outdoor cultivation occurs.

(4) A minimum of one dollar per square foot of canopy space and a maximum of two dollars per square foot of canopy space in a facility that operates exclusively as a nursery.

(d) On July 1, 2021, and on each July 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall automatically increase by a percentage equal to the percentage increase of the Consumer Price Index measured between January 1 of the calendar year immediately preceding the increase and January 1 of the calendar year of the increase. No Consumer Price Index adjustment resulting in a decrease of any tax shall be made.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.406 Tax on cannabis distribution.

(a) Beginning January 1, 2019, the tax rate on cannabis distribution is two percent of gross receipts.

(b) The board of supervisors may, in its discretion, by ordinance, adjust the rate of the cannabis business tax imposed on cannabis distribution to a rate equal to or above the minimum rate and up to the maximum rate. For cannabis distribution, the minimum tax rate is two percent of gross receipts and the maximum tax rate is three percent of gross receipts.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.408 Tax on cannabis manufacturing.

(a) Beginning January 1, 2019, the tax rate on cannabis manufacturing is two and one-half percent of gross receipts.

(b) The board of supervisors may, in its discretion, by ordinance, adjust the rate of the cannabis business tax imposed on cannabis manufacturing to a rate equal to or above the minimum rate and up to the maximum rate. For cannabis manufacturing, the minimum tax rate is two and one-half percent of gross receipts and the maximum tax rate is four percent of gross receipts.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.410 Tax on cannabis retailers.

(a) Beginning January 1, 2019, the tax rate on cannabis retailers is four percent of gross receipts.

(b) The board of supervisors may, in its discretion, by ordinance, adjust the rate of the cannabis business tax imposed on cannabis retailers to a rate equal to or above the minimum rate and up to the maximum rate. For cannabis retailers, the minimum tax rate is four percent of gross receipts and the maximum tax rate is six percent of gross receipts.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.412 Tax on cannabis testing laboratories.

(a) Beginning January 1, 2019, the tax rate on cannabis testing laboratories is zero percent of gross receipts.

(b) The board of supervisors may, in its discretion, by ordinance, adjust the rate of the cannabis business tax imposed on cannabis testing laboratories to a rate equal to or above the minimum rate and up to the maximum rate. For cannabis testing laboratories, the minimum tax rate is zero percent of gross receipts and the maximum tax rate is two and one-half percent of gross receipts.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.414 Tax on vertically-integrated businesses.

(a) Beginning January 1, 2019, the tax rate on vertically-integrated businesses engaged in retail sales is four percent of gross receipts.

(b) The board of supervisors may, in its discretion, by ordinance, adjust the rate of the cannabis business tax imposed on vertically-integrated businesses engaged in retail sales to a rate equal to or above the minimum rate and up to the maximum rate. For vertically-integrated businesses engaged in retail sales, the minimum tax rate is four percent of gross receipts and the maximum tax rate is six percent of gross receipts.

(c) Beginning January 1, 2019, the tax rate on vertically-integrated businesses not engaged in retail sales is two and one-half percent of gross receipts.

(d) The board of supervisors may, in its discretion, by ordinance, adjust the rate of the cannabis business tax imposed on vertically-integrated businesses not engaged in retail sales to a rate equal to or above the minimum rate and up to the maximum rate. For vertically-integrated businesses not engaged in retail sales, the minimum tax rate is two and one-half percent of gross receipts and the maximum tax rate is four percent of gross receipts.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.416 Personal cultivation not taxed.

This chapter does not apply to personal cultivation, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act. This chapter does not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which a person receives no compensation whatsoever related to that personal use.

(Ord. No. 2018-22, § I, 11-6-18)

Article 64-16.6 Administration and Enforcement

64-16.602 Reporting and remittance of cannabis business tax.

(a) The cannabis business tax is due and payable in legal tender and in accordance with Revenue and Taxation Code Section 2501 et seq. The cannabis business tax is due and payable on a quarterly basis as follows:

(1) Each person owing a tax under this chapter shall, on or before the last day of the month following the close of each calendar quarter, complete and submit to the treasurer-tax collector a tax statement and remit to the treasurer-tax collector the tax due. The tax due is no less than the quarterly installment due, but a person may at any time pay the estimated tax due for the entire fiscal year. The tax is due on or before the last day of the month following the close of that calendar quarter (i.e., on or before April 30, July 31, October 31, or January 31, as applicable). Any deficiencies of the estimated tax due must be remitted before the last day of the month following the calendar quarter in which the deficiency existed to avoid penalties.

(2) If a tax is owed on commercial cannabis cultivation, the tax due shall be determined in accordance with section 64-16.404(b). The tax will not be prorated or adjusted for any reduction in the square footage of canopy authorized but not utilized for cultivation. If cultivation begins in the middle of a fiscal year, the treasurer-tax collector will prorate, in monthly increments, the amount due for the fiscal year.

(b) All cannabis business tax statements must be completed on the forms designated by the treasurer-tax collector.

(c) Tax statements and payments for all outstanding taxes owed by a commercial cannabis activity are immediately due to the treasurer-tax collector if the commercial cannabis activity ceases operating for any reason.

(d) If any person, while liable for any cannabis business tax, sells, assigns or otherwise transfers ownership or control of a commercial cannabis activity, whether voluntarily or involuntarily ("transferor"), the person receiving ownership or control of that commercial cannabis activity ("transferee") shall do both of the following within five days after the effective date of the change in ownership or control: (1) notify the treasurer-tax collector of the change in ownership or control; and (2) pay the amount of cannabis business tax due, including all penalties and interest assessed on the tax. Notwithstanding the foregoing, and unless otherwise provided by law, upon the transfer of ownership of a cannabis business, the transferor and transferee are jointly and severally liable for any cannabis business tax due as of the date the treasurer-tax collector receives notice of the transfer, and all remedies available to the treasurer-tax collector may be sought against both the transferor and the transferee.

(e) The treasurer-tax collector may, at the treasurer-tax collector's~~his or her~~ discretion, establish shorter payment periods for any person as the treasurer-tax collector deems necessary to ensure collection of the tax.

(f) The treasurer-tax collector may, as part of administering the tax and in the treasurer-tax collector's~~his or her~~ discretion, modify requirements concerning the form of payment and take other administrative actions as needed to facilitate collection of the tax.

(g) Whenever any payment, statement, report, request, or other communication is due, it must be received by the treasurer-tax collector on or before the due date. A postmark will not be accepted as timely remittance.

If the due date falls on a Saturday, a Sunday, or a holiday, the due date is the next regular business day on which the county is open to the public.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.604 Delinquent payments.

(a) A cannabis business tax statement and payment is delinquent if not received by the treasurer-tax collector by the due date. Partial payments are not accepted.

(b) Any person who fails to timely pay the cannabis business tax shall pay penalties and interest as follows:

(1) If the cannabis business tax is not paid by the due date, the person shall pay a penalty equal to ten percent of the unpaid cannabis business tax.

(2) If the cannabis business tax and any associated interest and penalties remain unpaid for more than thirty days after the due date, the person shall pay an additional penalty of twenty-five percent of the unpaid tax, plus interest at the rate of one and one-half percent per month on the unpaid tax.

(3) Interest will continue to accrue monthly on the unpaid tax until the balance is paid in full.

(c) If a check or electronic payment is submitted in payment of the cannabis business tax and the payment is subsequently reversed or returned unpaid by the bank for any reason, the taxpayer shall be liable for the tax due, a returned check fee, and the amount of all penalties and interest assessed for late payment of the cannabis business tax.

(d) Any penalty or interest imposed under this chapter shall become part of the tax required to be paid.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.606 Refunds.

(a) A tax collected pursuant to this chapter will not be refunded except as provided in subsection (b).

(b) A cannabis business tax that was overpaid or erroneously collected by the county may be refunded to the person who paid the tax if the person files a written claim for a refund with the treasurer-tax collector within ninety days of the later of:

(1) The date the tax was originally due and payable; and

(2) The date the tax was paid.

(c) The treasurer-tax collector will send written notice of the determination on the refund claim.

(d) A person who disputes a determination on a refund claim may request a hearing pursuant to Section 64-16.612 by filing a written request for hearing with the treasurer-tax collector within fifteen days after the date of the notice of determination.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.608 Administration by the treasurer-tax collector.

(a) A commercial cannabis activity shall, before beginning operations, register with the treasurer-tax collector, and provide information regarding the commercial cannabis activity as required by the treasurer-tax collector, including:

(1) The name and address for the commercial cannabis activity;

(2) A description of the type of commercial cannabis activity to be conducted;

(3) The name and telephone number of an individual with responsibility for reporting information to governmental authorities for the commercial cannabis activity; and

(4) Copies of all permits issued by the county and the state. If any of the foregoing information changes, the commercial cannabis activity shall promptly notify the treasurer-tax collector of the changes.

(b) The treasurer-tax collector may from time to time promulgate administrative rules and procedures necessary to implement this chapter or aid in its enforcement, including procedures for tax apportionment pursuant to Section 64-16.616 and creating and providing forms for reporting the cannabis business tax.

(c) The treasurer-tax collector may take any administrative actions needed to administer and collect the cannabis business tax, including but not limited to:

(1) Determining the amount of cannabis business taxes owed by commercial cannabis activities;

(2) Receiving all cannabis business taxes remitted to the county;

(3) Determining penalties and interest for delinquent cannabis business taxes;

(4) Maintaining records of cannabis business tax returns and taxes collected;

(5) Verifying or determining the square footage of canopy space; and

(6) Determining which products constitute cannabis products.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.610 Audit, assessment, and deficiency determination.

(a) The treasurer-tax collector or designee is authorized to audit and examine all books and records of commercial cannabis activities and of persons having ownership or control of commercial cannabis activities, including state and federal income tax returns, state sales tax returns, bank records, permits, accounting records, employment records, evidence documenting the gross receipts of the cannabis business, and goods and equipment used in the commercial cannabis activity, for the purpose of ascertaining the amount of gross receipts and the amount of cannabis business tax due and for the purpose of verifying the accuracy of any forms submitted to the treasurer-tax collector. If the commercial cannabis activity refuses or fails to make available all requested materials, the treasurer-tax collector may, after full consideration of all information ~~within his or her~~ known~~ledge~~ to the treasurer-tax collector concerning the commercial cannabis activity, issue a notice assessment of cannabis business tax due. The treasurer-tax collector may collect a fee adopted by the board of supervisors to pay for the cost of an audit if the books and records provided were insufficient to allow the treasurer-tax collector to accurately determine the amount of cannabis business tax due.

(b) The treasurer-tax collector may issue a notice of assessment of the amount of cannabis business tax, penalties and interest owed by a person at any time within three years after the due date if the person:

(1) Has not correctly computed the amount of cannabis tax due;

(2) Has not filed a complete cannabis business tax statement;

(3) Has not paid the cannabis business tax, penalties, and interest due;

(4) Has not filed a corrected cannabis business tax statement after demand by the treasurer-tax collector; or

(5) Has not provided adequate substantiation of the information contained in the cannabis business tax statement after demand by the treasurer-tax collector.

(c) If the treasurer-tax collector determines that the nonpayment of any cannabis business tax is due to fraud, a penalty shall be imposed that is equal to twenty-five percent of the amount of the cannabis business tax owed for the period in which the amount of tax due was underreported. This penalty is in addition to interest and penalties assessed for delinquent taxes.

(d) A person who disputes the amount of cannabis business tax, penalties, and interest assessed may request a hearing pursuant to section 64-16.612 by filing a written request for hearing with the treasurer-tax collector within fifteen days after the notice of assessment.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.612 Hearing on disputed amounts.

(a) A request for hearing must be in writing and timely filed. If a request for hearing is timely filed, the treasurer-tax collector will schedule a hearing and give written notice of the hearing date, time, and location to the person who paid the tax. If a request for hearing is not timely filed, the tax assessed by the treasurer-tax collector is final and conclusive.

(b) After the hearing, the treasurer-tax collector will give written notice of the final determination of the amount of cannabis business tax, penalties, and interest due. Any delinquent cannabis business tax shall continue to accrue penalties and interest until it is paid in full, as set forth in the notice of determination. Any taxes, penalties, or interest found by the treasurer-tax collector to have been assessed in error will be refunded.

(c) The decision of the treasurer-tax collector is final and conclusive. A person who contends the treasurer-tax collector's final decision is erroneous may, after paying all taxes, penalties, and interest due, file an action in the superior court of the county in accordance with California Code of Civil Procedure section 1094.5.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.614 Enforcement.

(a) Any cannabis business tax, interest, and penalties required to be paid under this chapter shall be deemed a debt owed to the county. Any person owing money to the county under this chapter shall be liable in an action brought in the name of the county for the recovery of the debt. The provisions of this section shall not be deemed a limitation upon the right of the county to bring any other action, including criminal, civil, and equitable actions, based upon the failure to pay the cannabis business tax, interest, and penalties assessed or to otherwise comply with the provisions of this chapter, or any other state or local law.

(b) In addition to any other remedies available under federal, state, or local law, if any cannabis business tax, interest or penalties are delinquent, the treasurer-tax collector may, within three years after the amount is due, record a certificate of lien specifying the amount of cannabis business taxes, interest, and penalties due, and identifying the names and last known addresses of the persons responsible for payment. The lien shall also specify that the treasurer-tax collector has complied with all provisions of this chapter in determining the amount required to be paid. From the time of filing the certificate of lien, the amount of cannabis business taxes, interest, and penalties due shall constitute a lien upon all real property in the county owned or subsequently acquired by the persons responsible for payment of the delinquent tax. The lien shall have the force, effect, and priority of a judgment lien and shall continue for ten years from the date of recording unless sooner released or otherwise discharged.

(c) At any time within three years after any person is determined by the treasurer-tax collector to be delinquent in the payment of cannabis business tax, or within three years after the last recording of a certificate of lien for delinquent cannabis business tax, the treasurer-tax collector may issue a warrant for the enforcement of any liens and for the collection of any delinquent cannabis business tax, including interest and penalties assessed thereon. The warrant shall be directed to the sheriff and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy and sale pursuant to a writ of execution under Code of Civil Procedure Section 699.010 et seq.

(d) At any time within three years after the last recording of a certificate of lien for delinquent cannabis business tax, if the lien is not discharged and released in full, the treasurer-tax collector may seize any asset or property, real or personal (including bank accounts), of the commercial cannabis activity and sell at public auction the asset or property, or a sufficient part of it to pay the amounts due, including all interest and penalties and any costs incurred to collect the delinquent cannabis business tax. Assets exempt from execution under Code of Civil Procedure Section 699.720 are exempt from any action to enforce the cannabis business tax.

(e) All remedies and penalties prescribed by this chapter or that are available under this Code or any other provision of law or equity are cumulative. The use of one or more remedies by the county does not constitute a waiver or bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.616 Apportionment, compliance with law, fees.

(a) If a commercial cannabis activity operates both within and outside the unincorporated area of the county, it is the intent of the county to apply this chapter so that the tax fairly reflects the proportion of the activity actually carried on in the unincorporated area of the county. For purposes of apportionment as may be required by law, the treasurer-tax collector may promulgate administrative procedures for apportionment in accordance with state law and is authorized to obtain any necessary information from the commercial cannabis activity for this purpose, including financial records pertaining to activities outside the unincorporated area of the county.

(b) It is the intent of the county to apply this chapter in a manner consistent with the United States and California Constitutions and state law. The tax authorized by this chapter will not be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the United States or California Constitution, or a violation of any other provision of state law.

(c) Nothing in this chapter shall be deemed to repeal, amend, be in lieu of, replace, or in any way affect any requirements for any permit or license required under any other provision of this Code or state law. Nothing contained in this chapter shall be deemed to affect any tax, interest, penalty, fee, or other charge imposed under any other provision of this Code or state law.

(d) Payment of the tax authorized by this chapter, and the county's acceptance of the tax, does not entitle a person to conduct a commercial cannabis activity unless that person has complied with all requirements of this Code and applicable state law. Payment of the tax authorized by this chapter, and the county's acceptance of the tax, does not authorize the conduct or continuance of any illegal or unlawful activities.

(e) Fees charged by the treasurer-tax collector will be in accordance with a fee schedule adopted by the board of supervisors.

(Ord. No. 2018-22, § I, 11-6-18)

64-16.618 Amendment or repeal.

(a) This chapter may be repealed or amended by the board of supervisors without a vote of the people to the extent allowed by law. Voter approval is required for any amendment that would increase the rate of any tax levied under this chapter, as required by Article XIIIC of the California Constitution.

(b) The following actions do not constitute an increase of the rate of a tax:

(1) Adjustment of the tax rate to a rate that is no higher than the maximum rate set by this chapter, as adjusted by the Consumer Price Index in accordance with the terms of this chapter;

(2) An action that interprets or clarifies the methodology of the tax or any definition under this chapter, so long as the interpretation or clarification, even if contrary to a prior interpretation or clarification, is not inconsistent with the language of this chapter;

(3) The automatic adjustment of the maximum rate by the Consumer Price Index as provided in this chapter; and

(4) The collection of the tax imposed by this chapter even if the county, for some period of time, failed to collect the tax.

(Ord. No. 2018-22, § I, 11-6-18)

Chapter 64-18 TRANSACTIONS AND USE TAX

Article 64-18.2. General

64-18.202 Title.

This chapter shall be known as the County of Contra Costa Transactions and Use Tax Ordinance. This chapter shall be applicable in the incorporated and unincorporated territory of the County.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.204 General tax.

The tax imposed by this chapter is a general tax under Article XIIIC of the California Constitution. The tax imposed by this chapter is enacted solely for general governmental purposes and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the County's general fund and used for general governmental purposes.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.206 Operative date.

"Operative Date" means the first day of the first calendar quarter commencing more than one hundred ten days after the adoption of this chapter by the voters, the date of such adoption being as set forth below.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.208 Purpose.

This chapter is adopted to achieve the following purposes:

(a) To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285 of Part 1.7 of Division 2 which authorizes the County to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

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

(c) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor. that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

(d) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

(Ord. No. 2020-22, § I, 8-4-20).

Article 64-16.4. Transactions and Use Tax

64-18.402 Transaction tax rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one half of one per cent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.404 Place of sale.

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's~~his~~ agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.406 Use tax rate.

An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of one half of one per cent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.408 Adoption of provisions of state law.

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.410 Limitations on adoption of state law and collection of use taxes.

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

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

(1) The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

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

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

(A) Provide an exemption from this tax with respect to certain sales, storage, use of other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

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

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

(b) The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

(1) "A retailer engaged in business in the County" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars. For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.412 Permit not required.

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

(Ord. No. 2020-22, § I, 8-4-20).

64-18.414 Exemptions and exclusions.

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

(b) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or the retailer's ~~his~~ agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

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

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

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

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

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

(c) There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this County of tangible personal property:

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

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

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

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

(5) For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

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

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

(d) Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

(Ord. No. 2020-22, § I, 8-4-20).

Article 64-18.6. Administration

64-18.602 Amendments.

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

(Ord. No. 2020-22, § I, 8-4-20).

64-18.604 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

(Ord. No. 2020-22, § I, 8-4-20).

64-18.606 Termination date.

The authority to levy the tax imposed by this chapter shall expire on March 31, 2041 and as of that date it shall be repealed by operation of this section unless a later ordinance is adopted prior to March 31, 2041 that shall have the effect of deleting or extending the termination date set forth herein.

(Ord. No. 2020-22, § I, 8-4-20).

Division 66 PROPERTY TAX PROCEDURES

Chapter 66-4 PRESALE HEARINGS

66-4.002 General.

When selling property seized pursuant to Revenue and Taxation Code Sections 2951 and following, the tax collector shall comply with those sections and with this chapter.

(Ord. 80-30).

66-4.004 Notice of right to hearing.

(a) Notice. Whenever the tax collector so seizes property, ~~he~~the tax collector shall promptly notify the assessee of the seizure and of the assessee's right to a hearing before its sale if requested as provided here.

(b) Delivery. The notice shall be personally delivered to the assessee, or mailed to the assessee~~him~~ at the place where the property was seized and at the assessee's~~his~~ latest address in the tax collector's or assessor's records.

(Ord. 80-30: see also R.&T.C. §§ 2953 — 2957).

66-4.006 Request for hearing.

(a) Contents. The assessee's request for an administrative hearing must be written and verified, and must contain:

(1) Assessee's name and mailing address;

(2) Description of the property seized and the date of seizure; and

(3) Basis of assessee's challenge of the proposed sale (pursuant to Section 664.012).

(b) Time. The request must be filed with (received by) the tax collector within seven calendar days after delivery or mailing of the notice.

(Ord. 80-30).

66-4.008 Sale postponed.

The timely filing of a proper request postpones the sale until five calendar days after the hearing officer's written decision is mailed to the assessee at the address stated in the request. The failure to timely file a proper request waives the right to a hearing.

(Ord. 80-30).

66-4.010 Hearing, notice and procedures.

(a) Notice. The tax collector or the tax collector's ~~his~~ designee shall act as the hearing officer and shall conduct an administrative hearing on the request. ~~He~~The tax collector shall set the date and place for hearing, and shall mail notice thereof to the assessee at least seven calendar days beforehand. The tax collector~~He~~ may grant postponements and continuances for good cause.

(b) Procedure. At the hearing the assessee (or other party claiming an ownership interest) has the burden of proof and shall first present evidence and arguments in opposition to the proposed sale, followed by the tax collector's office in support thereof, and each may then rebut the other's evidence and argument.

(Ord. 80-30).

66-4.012 Scope of hearing.

(a) The hearing shall be limited to the following issues:

(1) Whether the taxes were invalidly levied against the assessee;

(2) Whether the taxes have been paid;

(3) Whether the assessee has no interest in the seized property;

(4) Whether it is probable that the taxes will be collectible after the date of delinquency;

(5) Whether the probable sale price will be very grossly less than the property's then fair market value and whether delaying the tax collector's sale or allowing the taxpayer to sell will very substantially lessen this alleged disparity in values.

(b) Whether there has been an overvaluation in the assessment on which the taxes have been based is not within the scope of the hearing.

(Ord. 80-30).

66-4.014 Decision of hearing officer.

The hearing officer's decision shall be final and shall be mailed to the assessee within ten calendar days after the hearing. If the hearing officer rules in favor of the assessee, or if the hearing officer~~he~~ fails to conduct a hearing, or fails to mail the hearing officer's~~his~~ decision within ten calendar days after the hearing, the tax collector shall promptly release the property; but the tax collector may (after ten calendar days following the hearing) proceed to sell the property without further hearings if the hearing officer made and mailed the hearing officer's~~his~~ decision upholding the tax collector's right to sell.

(Ord. 80-30).

66-4.016 Effect of decision.

The limited purpose of the hearing is to see if there is reasonable cause to delay the tax collector's pending sale or to cancel it altogether; and the hearing officer's decision cannot purport to affect the ultimate legal issues of taxability or valuation which can be adjudicated only as otherwise provided by law.

(Ord. 80-30).

Chapter 66-6 REASSESSMENT OF DAMAGED PROPERTY

Article 66-6.2. Purpose and Authority

66-6.202 Purpose and authority.

The purpose of this chapter is to effectuate Revenue and Taxation Code Section 170 by providing for reassessment of property damaged or destroyed by major misfortune or calamity so as to allow reduced taxes for the part of the tax year in which the property was damaged or destroyed.

(Ord. 82-39).

Article 66-6.4. Applicability

66-6.402 Property eligible.

To be eligible for reassessment under this chapter property must have been damaged or destroyed by a major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster due to the misfortune or calamity. As used in this section, "damage" includes a diminution in the value of property as a result of restricted access to the property where such restricted access was caused by the major misfortune or calamity.

(Ord. 82-39).

Article 66-6.6. Administration

66-6.602 Application for reassessment.

An application for reassessment must be filed within twelve months of the Governor's proclamation that the area is in a state of disaster. Application for reassessment shall be made by delivering to the assessor a written request for reassessment. Such written request must show the condition and value, if any, of the property immediately after the damage or destruction, and the dollar amount of the damage. The applicant must verify the facts stated in the written request by executing the request under penalty of perjury and, if executed outside the state of California, verify the facts stated therein by affidavit. If no such application is made and the assessor determines that within the preceding twelve months a property has suffered damage caused by misfortune or calamity which may qualify the property owner for relief, the assessor shall provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within sixty days of the date of mailing of notification by the assessor but in no case more than twelve months after the occurrence of said damage. Upon receipt of a properly completed, timely filed application, the property shall be reassessed in the same manner as required in Section 66-6.604.

(Ord. 82-39, amended by Ord. 2003-08).

66-6.603 No application.

If no application for reassessment is made, and if the assessor determines that within the preceding twelve months a property has suffered damage caused by misfortune or calamity, which may qualify the owner for relief under this chapter, the assessor may, with the approval of the board, reassess the property for which the approval was granted as provided in Section 66-6.604 and notify the last known owner of the reassessment.

(Ord. 82-39, amended by Ord. 2003-08).

66-6.604 Assessor's reappraisal.

Upon receiving a proper application, the assessor shall appraise the property and determine separately the full cash value of land, improvements and personalty immediately before and after the damage or destruction. If the sum of the full cash values of the land, improvements and personalty before the damages or destruction exceeds the sum of the values after the damage by ten thousand dollars or more, the assessor shall also separately determine the percentage reductions in value of land, improvements and personalty due to the damage or destruction. The assessor shall reduce the values appearing on the assessment roll by the percentages of damage or destruction computed pursuant to this subdivision, and the taxes due on the property shall be adjusted as provided in Section 66-6.610; provided, however, that the amount of the reduction shall not exceed the actual loss.

(Ord. 82-39).

66-6.606 Appeals.

The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local assessment appeals board within six months of the date of mailing the notice. If an appeal is requested within the six month period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of damage.

(Ord. 82-39, amended by Ord. 2003-08).

66-6.608 Auditor's reduction of roll value.

Reassessed values resulting from reductions in full cash value of amounts, as determined above, shall be forwarded to the auditor by the assessor or the clerk of the assessment appeals board, as the case may be. The auditor shall enter the reassessed values on the roll. After being entered on the roll, such reassessed values shall not be subject to review, except by a court of competent jurisdiction.

(Ord. 82-39).

66-6.610 Proration.

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of the misfortune or calamity shall be applied to the amount of the reassessment as determined in accordance with this section and the assessee shall be liable for: (1) a prorated portion of the taxes that would have been due on the property for the current fiscal year had the misfortune or calamity not occurred, such proration to be determined on the basis of the number of months in the current fiscal year prior to the misfortune or calamity; plus, (2) a proration of the tax due on the property as reassessed in its damaged or destroyed condition, such proration to be determined on the basis of the number of months in the fiscal year after the damage or destruction, including the month in which the damage was incurred. If the damage or destruction occurred after January 1 and before the beginning of the next fiscal year, the reassessment shall be utilized to determine the tax liability for the next fiscal year; provided, however, if the property is fully restored during the next fiscal year, taxes due for that year shall be prorated based on the number of months in the year before and after the completion of restoration.

(Ord. 82-39, amended by Ord. 2003-08).

66-6.612 Refunds.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of the Revenue and Taxation Code, as an erroneously collected tax or by order of the board of supervisors without the necessity of a claim being filed pursuant to Chapter 5.

(Ord. 82-39).

66-6.614 Review of assessment.

The assessed value of the property in its damaged condition, as determined pursuant to the foregoing provisions, compounded annually by the inflation factor specified in subdivision (a) of Revenue and Taxation Code Section 51, shall be the taxable value of the property until it is restored, repaired, reconstructed or other provisions of the law require the establishment of a new base year value.

If partial reconstruction, restoration, or repair has occurred on any subsequent lien date, the taxable value shall be increased by an amount determined by multiplying the difference between its factored base year value immediately before the calamity and its assessed value in its damaged condition by the percentage of the repair, reconstruction, or restoration completed on that lien date.

When the property is fully repaired, restored or reconstructed, its new taxable value shall be the lesser of (1) its full cash value, or (2) its factored base year value or its factored base year value as adjusted pursuant to subdivision (c) of Revenue and Taxation Code Section 70. The new taxable value shall be enrolled on the lien date following completion of the repair, restoration, or reconstruction.

(Ord. 82-39).

66-6.616 Intent of no increase of taxes over existing law.

Notwithstanding the foregoing, the auditor shall not change the roll or recalculate taxes under this chapter in any case where the taxpayer shows that doing so would increase the taxes otherwise due, for a period including both the tax year of the damage and the next following tax year.

(Ord. 82-39).

Chapter 66-7 TRANSFER OF BASE YEAR VALUE FROM OTHER COUNTIES IN CALIFORNIA WHEN PROPERTY SUBSTANTIALLY DESTROYED BY A GOVERNOR-DECLARED DISASTER IS REPLACED BY A COMPARABLE RESIDENCE IN THE COUNTY

Article 66-7.2. Legislative Authority and Purpose

66-7.202 Purpose and authority.

In enacting this chapter, it is the intention of the board of supervisors to fully implement and adopt in Contra Costa County the property tax benefits authorized by Proposition 171, adopted as paragraph (3) of subdivision (e) of Section 2 of Article XIIIA of the California Constitution by the voters of California at the general election conducted in November of 1993, and Revenue and Taxation Code Section 69.3 as adopted by the Legislature in May of 1994.

(Ord. 94-56 § 1).

66-7.204 Limitation to disasters occurring on or after October 20, 1991.

This chapter shall apply only to property substantially damaged or destroyed by a disaster occurring on or after October 20, 1991.

(Ord. 94-56 § 1).

Article 66-7.4. Transfer of Base Year Values

66-7.402 Definitions.

The following definitions shall apply herein:

(1) "Comparable replacement property" means a replaced property that has a full cash value of equal or lesser value as defined in subsection (3) of this section.

(2) "Disaster" means a major misfortune or calamity in an area subsequently proclaimed by the Governor to be in a state of disaster as a result of the misfortune or calamity.

(3) "Equal or lesser value" means that the amount of the full cash value of a replacement property does not exceed one of the following:

(A) One hundred five percent of the amount of the full cash value of the original property if the replacement property is purchased or newly constructed within the first year following the date of the damage or destruction of the original property;

(B) One hundred ten percent of the amount of the full cash value of the original property if the replacement property is purchased or newly constructed within the second year following the date of the damage or destruction of the original property;

(C) One hundred fifteen percent of the amount of the full cash value of the original property if the replacement property is purchased or newly constructed within the third year following the date of the damage or destruction of the original property.

For the purposes of this definition, if the replacement property is, in part, purchased and, in part, newly constructed, the date the "replacement property is purchased or newly constructed" is the date of the purchase or the date of completion of new construction, whichever is later. For purposes of this definition, "full cash value of the original property" shall be the total amount of the full cash value of land and improvements immediately prior to its substantial damage or destruction, as determined by the county assessor of the county in which the property is located.

(4) "Original property" means a building, structure or other shelter constituting a place of abode, whether real property or personal property, that is owned and occupied by a claimant as the claimant's ~~his or her~~ principal place of residence, and any land owned by the claimant on which the building, structure or other shelter is situated, that has been substantially damaged or destroyed by a disaster, as declared by the Governor. For purposes of this definition, land constituting a part of original property includes only that area of reasonable size that is used as a site for a residence, and "land owned by the claimant" includes land for which the claimant either holds a leasehold interest described in subdivision (c) of Section 61 of the Revenue and Taxation Code or a land purchase contract. For purposes of this definition, each unit of a multiunit dwelling shall be considered a separate original property.

(5) "Owner or owners" means an individual or individuals, but does not include any firm, partnership, association, corporation, company, other legal entity or organization of any kind.

(6) "Replacement property" means a building, structure or other shelter, or other personal property, that is owned and occupied by a claimant as the claimant's ~~his or her~~ principal place of residence, and any land owned by the claimant on which the building, structure or other shelter is situated. For purposes of this subsection, land constituting a part of the replacement dwelling includes only that area of reasonable size that is used as the site for a residence, and "land owned by the claimant" includes land for which the claimant either holds a leasehold interest described in subdivision (c) of Section 61 of the Revenue and Taxation Code or a land purchase contract. For the purposes of this subsection, each unit of a multiunit dwelling shall be considered a separate replacement dwelling.

(7) "Substantially damaged or destroyed" means property that sustains physical damage amounting to more than fifty percent of value when the total full cash value of land and improvements after the disaster is compared to the total full cash value of land and improvements immediately prior to the disaster. Damage includes a diminution of value in the value of property as a result of restricted access to the property where the restricted access was caused by the disaster and is permanent in nature.

(Ord. 94-56 § 1).

66-7.404 Transfer of base year values.

Upon meeting the requirements of this chapter, the base year value of original property located in another county in California will be transferred to a comparable replacement property, including land, of equal or lesser

value in Contra Costa County, when the replacement property is acquired or newly constructed by the owner of the original property within three years after the original property is substantially damaged or destroyed. The base year value transferred shall be the base year value of the original property, as determined in accordance with Section 110.1 of the Revenue and Taxation Code, with the adjustments permitted by subdivision (b) of Section 2 of Article XIIIA of the California Constitution and subdivision (f) of Section 110.1, determined as of the date immediately prior to the date that the original property was substantially damaged or destroyed. The base year value of the original property shall also include any inflation factor adjustments permitted by subdivision (f) of Section 110.1 for the period subsequent to the date of the substantial damage to, or destruction of, the original property and up to the date the replacement property is acquired or newly constructed. The base year or years used to compute the base year value of the original property shall be deemed to be the base year or years of any property to which that base year value is transferred pursuant to this chapter.

(Ord. 94-56 § 1).

Article 66-7.6 Procedures

66-7.602 Claims for transfer of base year value.

Claims for transfers of base year value under this chapter shall be filed with the assessor, on forms prescribed or approved by the state board of equalization or the assessor for this purpose. The assessor will make claim forms available to prospective claimants. Only the owner or owners of property substantially damaged or destroyed in another county, who thereafter obtain title to comparable replacement property in this county, may apply for or receive relief under this chapter. The acquisition of an ownership interest in a legal entity that, directly or indirectly, owns real property is not an acquisition of comparable replacement property for purposes of this chapter.

(Ord. 94-56 § 1).

66-7.604 Determination of comparability of original property.

In determining whether the replacement property in this county is of equal or lesser value when compared to the original property, the full cash value of the original property immediately prior to the substantial damage or destruction shall be determined by the assessor of the county in which the original property is located, and that determination shall be accepted by the assessor of this county.

(Ord. 94-56 § 1).

66-7.606 Base year value to be transferred.

The base year value to be transferred under the provisions of this chapter shall be determined by the assessor of the county in which the original property is located, and that value shall be accepted by the assessor of this county.

(Ord. 94-56 § 1).

66-7.608 Determination of the percent of damage.

The assessor of the county in which the original property is located shall determine the total full cash value of land and improvements after the disaster and the total full cash value of land and improvements immediately prior to the disaster. The assessor of Contra Costa County shall make the determination of whether the original property has sustained damage amounting to more than fifty percent of the total full cash value of land and

improvements immediately prior to the disaster by accepting the values determined by the assessor of the county in which the original property is located.

(Ord. 94-56 § 1).

66-7.610 Charges incurred by assessor.

Pursuant to the provisions of Section 54985 of the Government Code, the assessor shall as a condition of the transfer of base year value impose a reasonable charge for the costs of processing the transfer. The charge shall be determined by resolution of the board of supervisors and shall not exceed two hundred fifty dollars for each transfer. The transfer of base year value shall not be effected unless and until the charge is paid in full to the assessor.

(Ord. 94-56 § 1).

Article 66-7.8 Refunds

66-7.802 Refunds.

Upon approval by the assessor of a claim filed under this chapter, the base year value transferred from the original property as specified in this chapter shall be entered upon the assessment roll, and the appropriate corrections and cancellations of prior values and taxes shall be processed so that ~~he~~the owner of the comparable replacement property receives a refund of taxes to the extent that the taxes previously assessed and paid exceed the taxes due for the corrected base year value for all applicable tax years.

(Ord. 94-56 § 1).

66-7.804 Limitation of relief under subsection (c) of Section 70 of the Revenue and Taxation Code.

Any owner of property receiving relief under this chapter shall not be eligible for property tax relief under subsection (c) of Section 70 of the Revenue and Taxation Code in the event the original property is reconstructed.

(Ord. 94-56 § 1).

Article 66-7.10 Operative Period

66-7.1002 Operative period of this chapter.

This chapter shall apply to qualifying replacement property purchased or newly constructed in this county after October 20, 1991, and to the determination of base year values for the 1991-92 tax year and each tax year thereafter. The provisions of this chapter shall remain operative until repealed by ordinance adopted by this board.

(Ord. 94-56 § 1).

Chapter 66-8 POSSESSORY INTEREST REPORTING

Article 66-8.2. Purpose and Authority

66-8.202 Purpose and authority.

The purpose of this chapter is to effectuate Revenue and Taxation Code Section 480.4 (Chapter 872, Statutes 1984) in order to require the owners of tax-exempt real property to report to the assessor, within sixty days, the creation, renewal, sublease or assignment of any lease, sublease, license, use permit or other document which conveys the right to use that real property, so that the assessor may determine if the transaction has created a taxable possessory interest.

(Ord. 85-6 § 1).

Article 66-8.4. Reporting

66-8.402 Reporting.

Within sixty days of closing date of the transaction, every owner of tax- exempt real property shall report to the assessor the creation, renewal, sublease, or assignment of any lease, sublease, license, use permit, or other document which conveys the right to use that real property. The report shall include all of the following:

(1) The name and address of the owner;

(2) The names and addresses of all other parties to the transaction, including an identification of each party and of each party's~~his or her~~ possessory interest;

(3) The type of transaction, whether creation, renewal, sublease or assignment;

(4) A description of the property;

(5) The date of the transaction;

(6) The terms of the transaction, including all of the following:

(A) The consideration for the possessory interest, whether paid in money or otherwise,

(B) The term of the possessory interest, including any renewal or extension options,

(C) If a sublease, the original term, the remaining term, and the consideration paid for the master lease,

(D) If an assignment, the original term, the remaining term, and the consideration paid for the underlying lease.

(Ord. 85-6 § 1).

Article 66-8.6. Duration

66-8.602 Duration.

This chapter shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later-enacted statute deletes or extends that date. Should a later-enacted statute delete or extend that date, this chapter shall continue in effect, subject to any time limitation set forth in the later-enacted statute.

(Ord. 85-6 § 1).

Division 620 FEES AND CHARGES

Chapter 620-2 FEE AND SERVICE CHARGE REVENUE/COST COMPARISON SYSTEM

620-2.002 Findings and intent.

(a) Pursuant to Article XIIIB of the California Constitution, it is the intent of the board of supervisors to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefor in providing the regulation, products or services hereinafter enumerated in this chapter.

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

(c) The adoption of this chapter is exempt from the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of county departments, as set forth in Public Resources Code Section 21080(b)(8)(1).

(Ords. 98-32 § 2, 96-2 § 2, 92-96 § 3, 91-58 § 3, 91-40 § 2).

620-2.004 Delegation of authority and direction to administrator.

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

(b) The county administrator is hereby delegated authority to issue executive orders (including administrative bulletins) defining terms, setting out administrative, fee collection, and financial procedures, definitions, and establishing effective dates of all fees set by the board by resolution. All executive orders shall be originated and signed by the affected department head, signed by the auditor-controller certifying that the financial requirements of this chapter are complied with, and signed by the county administrator connoting the effective date of the executive order and new or revised rate structure, procedure or definition.

(c) "Costs reasonably borne" shall be as defined in Section 620-2.006. In adjusting fees and charges, the county administrator shall act in an administrative and ministerial capacity and shall consider only the standards and criteria established by this chapter, and the procedures set hereby and by applicable state law. All executive orders issued hereunder shall comply in all respects with this chapter, and the several schedules of fees and rates as set by the board by resolution.

(Ords. 98-32 § 2, 96-2 § 2, 92-96 § 3, 91-58 § 3, 91-40 § 2).

620-2.006 Costs reasonably borne defined.

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

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

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

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

(d) General overhead, expressed as a percentage, distributing and charging and expenses of the board, county counsel, county administrator, clerk of the board, county treasurer, auditor-controller, personnel director, and all other staff and support services provided to the entire county organization. Overhead shall be prorated between tax-financed services and fee-financed services on the basis of said percentage so that each of taxes and fees and charges shall proportionately defray such overhead costs.

(e) Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and the department head's ~~his or her~~ supporting expenses, as enumerated in subsections (a), (b), (c) and (f) of this section.

(f) Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, or securities issues or loans of whatever nature or kind. Any required coverage factors or required or established reserves beyond basic debt service costs also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the county.

(Ords. 98-32 § 2; 96-2 § 2, 92-96 § 3, 91-58 § 3, 91-40 § 2).

620-2.008 Schedule of fees and service charges.

(a) The county administrator, auditor-controller and each county department head, under the direction of the county administrator, shall review annually the fees and service charges listed following, and provide an adjusted fee or charge schedule to the board for its consideration and approval so as to recover the listed percentage of costs reasonably borne necessary to provide the listed regulation, product or service. Unless the board determines otherwise at the time it fixes specific fees and charges pursuant to Section 620-2.010, the percentages set forth herein should be used.

Regulation, Product or Service	Percentage of Costs Reasonably Borne To Be Recovered
I. LAND DEVELOPMENT SERVICES	
Building Inspection	
S-001 Permit Processing and Issuance Program	100%
S-002 Construction Inspection Program	100%
S-003 Grading Plan Check/Inspection	100%
S-004 Building Demolition Review	100%
S-005 Mobile Home Park Annual Inspection	100%
S-006 Mobile Home Permit Inspection	100%
S-007 Permanent Mobile Home Inspection	100%
S-008 R-Form Complaint Investigation	100%
S-009 R-Form Site Investigation	100%
S-010 County Code Compliance	100%
S-011 Records Information Research	100%
S-012 Subpoena Services	100%
Community Development	
S-013 Certificate of Compliance Review	100%
S-014 Development Plan Review (Multiple-Family, Commercial/Office/Industrial)	100%
S-015 Development Plan Review (Exterior Change)	100%
S-016 Development Plan Review (No Exterior Change)	100%
S-017 Time Extension (Administrative)	100%
S-018 Time Extension (Public Hearing)	100%
S-019 General Plan Amendment Review	100%
S-019A Specific Plan Amendment	100%
S-019B General Plan Amendment Feasibility Request	100%
S-020 General Plan Maintenance	100%
S-021 Land Use Permit (L.U.P.) (Quarry)	100%
S-022 L.U.P. (Quarry Reclamation Plan)	100%
S-023 L.U.P. (Caretaker Mobile Home)	100%
S-024 L.U.P. (Family Member Mobile Home)	100%
S-025 L.U.P. (Residential Care Facility)	100%
S-026 L.U.P. (Home Occupation)	100%
S-027 L.U.P. (Take-Out Food)	100%
S-027A L.U.P. (Second Unit)	100%
S-027B L.U.P. (Additional Residence)	100%
S-028A L.U.P. (Development Plan Combination)	100%
S-028B L.U.P. (Development Plan Combination, Minor Revisions/Amendments)	100%
S-029 L.U.P. (Other)	100%
S-029A L.U.P. Solid Waste Disposal Review	100%
S-030 L.U.P. (Administrative Permit—Gas Well)	100%
S-031 L.U.P. (Gas Well Ordinance)	100%
S-032 Lot Line Adjustment Review	100%
S-033 Tentative Subdivision Map Review—Major	100%
S-033A Development Agreement	100%
S-034 Tentative Subdivision Map Review—Minor	100%

S-034A Reversion to Acreage	100%
S-35 Condo Conversion Tentative Map	100%
S-36 Lot Split	100%
S-036A Undersized Lot Review	100%
S-37 Planned Unit Development (P.U.D.) Rezoning Review—Residential	100%
S-038 P.U.D. Rezoning Review—Commercial/Industrial	100%
S-039A P.U.D. Final Development Plan Review/New	100%
S-039B P.U.D. Final Development Review/Nonsubstantial Modification	100%
S-039C P.U.D. Final Development Plan Review/Substantial Modification	100%
S-40 P.U.D. Tentative Subdivision Map Review	100%
S-41 Rezoning Review—Commercial/Industrial	100%
S-42 Rezoning Review—Other	100%
S-43 Police Services District Formation	100%
S-44 Zone Variance	100%
S-45 Sign Review	100%
S-045A Address Change/Private Road Name Change	100%
S-46 Request for Determination	100%
S-046A Accelerated Review	100%
S-047A Zoning Administrator Appeal—Land Use Permit	100%
S-047B Zoning Administrator Appeal—Minor Subdivision	100%
S-047C Zoning Administrator Appeal—Major Subdivision	100%
S-047D Zoning Administrator Appeal—Other	100%
S-047E Planning Commission Agenda Mailing Service	100%
S-48 Fish and Game Posting and Administration	100%
S-048A Appeal to the Board—Land Use Permit	100%
S-048B Appeal to the Board—Minor Subdivision	100%
S-048C Appeal to the Board—Major Subdivision	100%
S-048D Appeal to the Board—Other	100%
S-49 Reconsideration Review	100%
S-049A Condition of Approval Modification Review	100%
S-049B Modification of Official Document	100%
S-50 Agricultural Preserve Rezoning Review	100%
S-050A Agricultural Preserve Contract	100%
S-51 Agricultural Preserve Cancellation Review	100%
S-051A Preapplication Review	100%
S-051B Agricultural Preserve Nonrenewal Notice	100%
S-051C Annual Review of Quarry Reclamation	100%
S-051D Permit for Alteration of Protected Trees (Multiple)	100%
S-051E Permit for Alteration of a Protected Tree (Single)	100%
S-051F Heritage Tree (Appeal)	100%
S-051G Heritage Tree (Nomination)	100%
S-051H Heritage Tree (Removal Permit)	100%
S-051J Heritage Tree (Encroachment Permit)	100%
S-52 Planning Surcharge	100%
S-052A Fee Services Clerical	100%
S-052B Notification List Services	100%
S-53 Mitigation/Condition of Approval Compliance Monitoring	100%
S-56 Hazardous Waste Application Review	100%
S-57 Environmental Impact Review	100%
S-59 County Water Agency Wetland Review	100%

S-60	Records Information Research	100%
S-060A	Geologic Review	100%
S-060B	Landscape and Tree Protection Agreement	100%
S-060C	Condition of Approval Compliance Check For Building Permit Issuance	100%
S-060D	Liquor License Site Determination	100%
S-060E	Gun Ordinance Annual License	100%
S-060G	Subpoena Service	100%
S-61	Growth Management Task Force Review	100%
S-62	Growth Management Plan	100%
S-63	California Environmental Quality Act Review County Projects—Non-E.I.R	100%
S-064	California Environmental Quality Act Review County Projects—E.I.R.	100%
S-065	Child Care Application Review	100%
S-66	Code Enforcement	100%
S-066A	Late Filing of Development Permit Application	100%
S-67	Counter Information	100%

Public Works

S-68	Final Map Check (Major)	100%
S-69	Parcel Map Check	100%
S-70	Record of Survey Check	100%
S-72	Public Improvement Plan Check (Major)	100%
S-73	Public Improvement Plan Check (Minor)	100%
S-074A	Public Improvement Plan Check (L.U.P.)	100%
S-75	Public Improvement Plan Check (Development Plan)	100%
S-76	Drainage Review (No Improvement Plan)	100%
S-076A	Conditions of Approval Compliance Check (No Improvement Plan)	100%
S-076B	Improvement Agreement Extension	100%
S-076C	Public Improvement Plan—Bridge/Major Structure	100%
S-77	Public Improvement Inspection (Major)	100%
S-077A	Improvement Inspection—Bridge/Major Structure	100%
S-78	Public Improvement Inspection (Minor)	100%
S-79	Public Improvement Inspection (L.U.P.)	100%
S-080A	Public Improvement Inspection (Development Plan)	100%
S-081C	Public Improvement Plan Review—Landscaping	100%
S-081D	Subdivision Monument Check	100%
S-081E	Application Review—Encroachment Permit (Small)	100%
S-081F	Application Review—Encroachment Permit (Large)	100%
S-081G	Application Review—Encroachment Permit (Utilities)	100%
S-082B	Public Improvement Inspection—Landscaping	100%
S-082C	Encroachment Permit Inspection (Small)	100%
S-082D	Encroachment Permit Inspection (Large)	100%
S-082E	Encroachment Permit Inspection (Utilities)	100%
S-083	Flood Control District Encroachment	100%
S-084A	Drainage Permit Application	100%
S-084B	Drainage Permit Inspection	100%
S-085A	Miscellaneous Road Permit Application (House Move)	100%
S-085B	Miscellaneous Road Permit Application (House Move Inspection)	100%
S-085C	Miscellaneous Road Permit Application (Extra Legal Load)	100%
S-085D	Miscellaneous Road Permit Application (Temporary Road Closure—Construction)	100%

S-085E Miscellaneous Road Permit Application (Temporary Road Closure Special Events)	100%
S-085F Miscellaneous Road Closure Permit Application (Extension/Modification)	100%
S-085G Road Acceptance Plan Review	100%
S-085H Road Acceptance Inspection	100%
S-086 Street Vacation Review	100%
S-086A Floodplain Management Compliance	100%
S-086B Floodzone/Base Flood Elevation Determination	100%
S-086C Floodplain Management Permit Application	100%
S-086D Floodplain Elevation Certification	100%
S-086E Floodplain Map Revision/Amendment	100%
S-087 Assessment District Bond Segregation	100%
S-088 Certificate of Correction	100%
S-088A Adopt-A-Road	100%
S-088B Adopt-A-Park	100%
S-088C Road Name Change (Public Road)	100%
S-088D Corner Record Check	100%
S-088F Base Map Revision	100%
S-088H Amended Map Revision	100%
S-088I Records Information Research/Survey Assistance	100%
S-088J Subpoena Service	100%
S-088L Computer Map and Data Requests	100%

II. TAX SECTION

S-95 Add-On Tax Service—Autonomous Special District	100%
S-096 Add-On Tax Service—Cities	100%
S-097 Add-On Tax Service—County Special District	100%
S-099 Tax Certification—Bulk Transfer	100%
S-100 Subdivision Certification/Bond	100%
S-107 Dishonored Tax Checks	100%
S-108 Business License Enforcement	100%
S-109 1915 Act Bond Processing	100%
S-110 Lot Segregation	58%
S-114 Map Sales	100%
S-115 Computer Printout of Property	100%
S-117 Appraisal Record Sales	100%
S-118 Business Property Statement	100%
S-119 Property Characteristics Fill-In Service (PCS)	100%
S-120 Document Mailing Service	100%
S-121 Prop 90 Processing	100%
S-124 Lot Combine	67%
S-125 Parcel Split	91%

III. ELECTIONS, RECORDER AND CLERK OF THE BOARD

S-133 Lien Notification	50%
S-134 Pre-Lien Notice	100%
S-139 UCC Search	100%
S-140 Special Election Service	100%
S-143 No Election Minimum Service	100%

S-144	Petition Checking Service	100%
S-145	Candidate Processing	100%
S-146	File Search	100%
S-147	Transcript Request	100%
S-148	Investment Services	61%
S-151	Administrative Appeal	100%
S-152	Fee Increase Mailing Service	%

(b) A minimum fee of ten dollars shall be charged in all instances except where noted.

(c) All fees and charges set pursuant to this chapter and section shall take effect ten days after the county administrator signs an executive order stipulating that all provisions of this chapter have been met.

(d) The schedule of frequency of rate adjustments may be varied by the county administrator to adjust revenues sufficient to meet debt service coverage requirements of any bond, certificate, or ordinance, resolution, indenture, contract, or action under which securities have been issued by the county which contain any coverage factor requirement.

(e) The county administrator may vary the review schedule listed in this section if, in the judgment of the county administrator and a directly affected and requesting department head, a gross inequity would be perpetrated by not considering the revision of the percentage rate schedule. Any such proposed rate revision which deviates from the review schedule as set herein shall be reported to the board at its next succeeding meeting or at the time consideration is being undertaken pursuant to Section 620-2.010 to modify established fees and charges.

(Ords. 98-32 § 2, 96-2 § 2, 92-96 § 3, 92-8 § 2, 91-58 § 3, 91-40 § 2).

620-2.010 Statutory public meeting.

Pursuant to Government Code Sections 66016 and 66018, for fees subject thereto, the clerk of the board shall cause notice to be provided as set out in Government Code Sections 66016, 66018 and 6062a, and the board periodically, at least annually, shall receive at a regularly scheduled meeting oral and written presentations concerning fees and charges proposed to be increased or added. Such notice, oral and written presentation, and public meeting shall be provided prior to the board of supervisors taking any action on any new or increased fees or charges. At least one such public hearing shall be held annually, in conjunction with the county annual budget process and hearing.

(Ords. 98-32 § 2, 96-2 § 2, 92-96 § 3, 91-58 § 3, 91-40 § 2).

Title 7
BUILDING REGULATIONS

Division 72 GENERAL

Chapter 72-4 APPLICATION AND SCOPE

72-4.002 Generally.

This title applies to all buildings and structures in the unincorporated territory of this county.

(Ords. 99-1 § 3: 80-14 § 1, 74-38).

72-4.006 Property being annexed to a city.

Whenever property is being annexed to an incorporated city, this title shall apply to all buildings or structures started before the effective date of annexation. Fees for permits under this title shall be due for all work requiring inspection begun before the effective date of this title. Inspections shall end on the effective date of annexation, unless the board of supervisors has adopted a resolution described as follows:

(1) On the request of the city council of any city to which property is being annexed, the board of supervisors may, by resolution, direct the building inspector to continue the inspection of the building or structure to its completion, although the effective date of annexation intervenes.

(2) When annexation to an incorporated city has been approved by a city council, under the Government Code of the state of California, if the city council requests the board of supervisors to have buildings inspected by the city and the request certifies that the city has a building code equal to this division, the board of supervisors by resolution may direct that all buildings or structures in the territory subject to annexation shall be inspected by the city and fees shall be collected by the city.

(Ord. 67-70 § 1 (part), 1967: Ord. 1631: prior code § 7101(c): Ord. 1372).

72-4.008 Building regulations.

This title shall also apply to alterations of any building or structure which affect the structural strength, fire hazard, exits, lighting or sanitary condition of any building or structure. This title does not apply to ordinary nonstructural changes or minor repairs or alterations necessary for the maintenance of any building or structure. Subject to the requirements of Chapter 72-5, this title does not apply to mechanical or process equipment used in manufacturing.

Subject to the requirements of Chapter 72-5, construction or work otherwise subject to this title, done under the continuous supervision of any employee or agent of the applicant who shall also be either an engineer or architect certified or licensed in the state or a qualified person familiar with construction code requirements, may be performed if approved by the director of building inspection, without filing precise plans therefor, but pursuant to a general application sufficient in detail to show compliance with other applicable ordinances or regulations.

Such applicant shall be required to maintain appropriate records and notify the director of building inspection of such work, and the director of building inspection shall make periodic inspections of the records and the work to ensure compliance with code requirements. The director of building inspection may refuse the exemption herein provided and require full compliance with regular building permit and inspection procedures if the director of building inspection~~he~~ finds that such person is not qualified to determine compliance with code requirements, or if the work performed does not in fact meet code requirements.

(Ords. 98-39 § 2; 67-70; 1631: prior code § 7101 (d): Ord. 1372).

Chapter 72-5 APPLICATION TO OIL REFINERIES AND CHEMICAL PLANTS

72-5.002 Annual maintenance permit.

(a) Annual building maintenance permits, annual grading maintenance permits, and annual electrical maintenance permits may be issued pursuant to this section for construction maintenance and repair work, grading maintenance and repair work, and electrical maintenance and repair work at oil refineries and chemical plants.

(b) Application and Scope. Applications for annual maintenance permits shall be submitted on forms and in such detail as required by the director of building inspection. Annual maintenance permits may be issued for periods not to exceed twelve months, covering work identified in the permit to be done within the permit period. An annual maintenance permit issued pursuant to this section authorizes only the following maintenance and repair work:

(1) Foundations less than five feet deep;

(2) Structural steel supporting equipment less than ten thousand pounds;

(3) Utility line trench excavations less than six feet deep and excavations for lines less than thirty-six inches in diameter for the routine maintenance, repair, or replacement of existing piping including piping for water (potable, raw, processing, fire), sewage, wastewater, electrical and storm drainage facilities;

(4) Individual grading projects (fill and/or excavation) for routine work within the refinery or chemical plant site on trenches, dikes, roadways, parking or storage areas that comply with all of the following:

(A) Cuts and fills are no greater than four feet,

(B) Graded material does not exceed one thousand cubic yards,

(C) Existing and new slopes are no steeper than five is to one (except repair/maintenance of existing dikes),

(D) No work takes place within any drainage course, wetland, or environmentally sensitive area,

(E) Work complies with NPDES and the county's clean water programs.

(5) Electrical work associated with work covered by a permit issued pursuant to this section.

(c) Excluded Work. An annual maintenance permit does not cover any of the following:

(1) Construction of, or major modifications to, a building;

(2) Foundations five feet or deeper;

(3) Structural steel supporting equipment ten thousand pounds or heavier;

(4) Utility line trench excavations six feet or deeper.

(d) Amendments. Annual maintenance permits issued pursuant to this section may be amended from time to time upon application to, and approval of, the director of building inspection. Work covered by such amendments are subject to the provisions of Section 72-5.010.

(Ords. 2007-54 § 8, 98-39 § 4).

72-5.004 Permits.

Subject to the provisions of Section 72-4.008, building, grading, mechanical, plumbing and electrical permits are required for any new construction work or any other work not covered by an annual building maintenance permit, an annual grading maintenance permit, or an annual electrical maintenance permit issued pursuant to Section 72-5.002.

(Ords. 2007-54 § 8, 98-39 § 4).

72-5.006 Low voltage, replacement in kind.

This chapter does not apply to installations and relocation of existing electrical equipment of one hundred ten volts or less, or to electrical maintenance work limited to replacement of equipment in kind or with functionally equivalent components.

(Ords. 2007-54 § 8, 98-39 § 4).

72-5.008 Annual electrical maintenance permit.

(a) Subject to Section 72-5.006, annual electrical maintenance permits may be issued pursuant to this section for the maintenance, repair, reconstruction, replacement, and relocation of existing electrical equipment and installations.

(b) Application and Scope. Applications for annual electrical maintenance permits shall be submitted on forms and in such detail as required by the director of building inspection. Annual electrical maintenance permits may be issued for periods not to exceed twelve months, covering work identified in the permit to be done during the permit period. Electrical permits are required for any new electrical work or any other work not covered by an annual electrical maintenance permit issued pursuant to this section, except as otherwise provided in Section 72-5.006.

(c) Records and Accessibility. The permittee shall maintain records of the work done pursuant to an annual electrical maintenance permit, including location, cost, date, and such other detail as may be required by the director of building inspection in writing to the permittee. All work done pursuant to an annual electrical maintenance permit shall remain readily accessible and visible for inspection.

(d) Amendments. Annual electrical maintenance permits may be amended from time to time upon application to and approval of the director of building inspection. Work covered by such amendments are subject to the provisions of Section 72-5.010.

(Ords. 2007-54 § 8, 98-39 § 4).

72-5.010 Contact, inspection and reporting.

(a) Application. Any oil refinery or chemical plant that has been issued an annual maintenance permit pursuant to Section 72-5.002, or an annual electrical maintenance permit pursuant to Section 72-5.008, shall comply with the requirements of this section.

(b) Contact. The director of building inspection and the oil refinery or chemical plant shall each designate a single individual as the liaison to the other organization for all matters pertaining to permits and inspections. The designation may be changed from time to time upon written notice to the other.

(c) Quarterly Inspection. An inspection/tour will be given to the director of building inspection on a quarterly basis, at a time reasonably designated by the director. During the inspection/tour, the director of building inspection shall be given the opportunity to inspect all work done during the previous quarter pursuant to any annual maintenance permit or any other permit.

(d) Additional Inspections. In addition to quarterly inspections pursuant to subsection (c) of this section, periodic facility inspections shall also be conducted by the director of building inspection. Based upon the findings of the director of building inspection during the quarterly and other inspections, the director of building inspection may require that the permittee engage an approved inspection or quality control agency to review/inspect specific technical issues relating to construction being performed.

(e) Reports. Quarterly reports shall be prepared and submitted to the director of building inspection. The report shall include a listing of work performed during the quarter under all permits, including any annual maintenance permits. The report shall also address all concerns raised by the director of building inspection during the previous quarterly inspection, and any other concerns raised by the director and not addressed in any previous quarterly report.

(Ords. 2007-54 § 8, 98-39 § 4).

Chapter 72-6 GENERAL PROVISIONS

Article 72-6.2. Permits and Fees

72-6.202 Permits.

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this title, or cause the same to be done, or install or connect any equipment regulated by this title, or perform any work regulated by this title, without first obtaining the necessary permits from the county building official.

(Ord. 2007-54 § 2).

72-6.204 Fees.

(a) Fees shall be paid with the submission of an application for any permit required by this title. No application may be filed and accepted as complete until all required fees have been paid. Any permit issued without the payment of all required fees is invalid and of no force and effect. Permit fees and other fees will be in amounts set forth in fee schedules adopted by the board of supervisors.

(b) A person who starts any work for which a permit is required under this title without first having obtained a permit shall, if later issued a permit for such work, pay double the permit fee. This provision does not apply to emergency work if the county building official determines that the emergency work was urgently necessary and that it was not practicable to obtain a permit before starting the work. In all such cases, a permit must be obtained as soon as it is practicable to do so, and if there is an unreasonable delay in obtaining the permit, a double fee shall be charged.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-1 § 5, 87-55 § 2, 74-32 § 1, 73-58 § 2, 67-70 § 2: prior code § 7103: Ords. 1372, 1014 § 5).

72-6.206 State license required.

(a) No permit shall be issued to a person to do or cause to be done any work regulated by this title except to the holder of a valid, unexpired and unrevoked license in good standing, issued under Chapter 9, Division 3 of the California Business and Professions Code. Permits may be issued to persons and for work exempt from that statute, and as otherwise provided in this section.

(b) Building Permits. A building permit may be issued to a person holding a valid, unexpired, unrevoked California general contractor's license. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a building permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(c) Electrical Permits.

(1) An electrical permit may be issued to a person holding a valid, unexpired, unrevoked California electrical contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, an electrical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(2) Instead of a separate permit for each building, structure, premises, installation or alteration, an annual electrical permit may be issued to any person regularly employing one or more electricians for electrical work in premises owned or occupied by the applicant for the permit. In the first fifteen days of each calendar month, the holder of an annual permit shall report to the county building official on all electrical work done under the annual permit during the preceding month.

(d) Plumbing Permits. A plumbing permit may be issued to a person holding a valid, unexpired, unrevoked California plumbing contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a plumbing permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(e) Mechanical Permits. A permit for the erection, installation, moving alteration, repair or replacement of any heating or cooling equipment may be issued to a person holding a valid California warm air heating, ventilating, and air conditioning contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a mechanical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(Ords. 2007-54 § 2, 2002-31 § 4, 99-17 § 11, 90-19 § 3, 89-60 § 2, 82-23 § 2, 80-29 § 1, 79-67, 76-24, 74-31).

72-6.208 Misrepresentations in permit application.

No person shall make a false statement or misrepresentation in or in connection with an application for a permit under this title. Any permit issued under this title may be revoked or suspended at any time by the county

building official for fraud, misrepresentation or false statement contained in an application for a permit, or for violation of this title in connection with work done under the permit.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-1 § 5: prior code § 7104: Ord. 1372).

72-6.210 Permit not approval of violations or determination of ownership.

The issuance of a permit or approval of plans and specifications shall not be construed as a permit for an approval of any violation of this title or code or determination that the permittee is the owner of the subject property or otherwise authorized to do the work for which the permit has been issued. No permit presuming to give authority to violate or cancel the provisions of this title shall be valid except insofar as the work or use which it authorizes is lawful. The issuance of a permit based on plans and specifications shall not prevent the county building official from later requiring the correction of errors in the plans and specifications or from preventing building operations being carried on under the permit in violation of this title or other regulation of this county.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-1 § 5: prior code § 7105: Ord. 1372).

72-6.212 Expiration of permit.

(a) A permit issued by the county building official becomes void if either of the following occur:

  (1) The work authorized by the permit is not commenced within 12 months after the permit issuance date. Evidence that work has commenced consists of at least one approved inspection.

  (2) The work authorized by the permit is suspended or abandoned for a period of 12 consecutive months after the work is commenced. Work is deemed suspended or abandoned for a period of 12 consecutive months if no approved inspection occurs during that time.

(b) A permittee holding an unexpired permit may apply to the county building official for a permit extension. Upon written request by the permittee demonstrating justifiable cause for the delay, the county building official may extend the time of the permit for a period not exceeding 180 days. A permit may not be extended more than once.

(c) Once a permit becomes void, a new permit must be obtained before any work is commenced or recommenced, and a new permit fee must be paid.

(Ords. 2019-31 § VII, 2007-54 § 2, 2002-31 § 2, 99-1 § 5, 87-55 § 3, 80-14 § 3, 74-32 § 2, 71-32 § 1, 67-70 § 3: prior code § 7106: Ord. 1372 § 5H).

(Ord. No. 2022-35, § VII, 10-25-22)

72-6.214 Refunds.

The county building official may authorize the refund of required permit fees as follows:

(a) Unused Building Permit. On the voiding of a permit within sixty days after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen dollars but not more than eighty percent of the permit fee paid. On the voiding of a permit during the period between sixty days and one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen dollars or one-half the total amount paid for the permit, whichever is smaller. No refunds of plan check fees for issued permits shall be allowed. Any unused plumbing, electrical, or mechanical permit(s) taken in conjunction with a building permit are governed by the refund procedures in subsection (b) of this section.

(b) Unused Plumbing, Electrical, or Mechanical Permits. No refund of deposits for these permits (including subpermits issued in conjunction with building permits, and miscellaneous permits) shall be allowed, except that on the voiding of a permit within one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of ten dollars.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-1 § 5, 80-14 § 4, 76-15).

Article 72-6.4. Enforcement

72-6.402 Abatement procedure.

Any condition existing in violation of this title is a public nuisance. The procedure for the abatement of any building or any other condition declared to be a public nuisance in violation of this title is the procedure specified in the county's Uniform Public Nuisance Abatement Procedure as set forth in Chapter 14-6 of this code. As an alternative to this procedure, abatement may be performed pursuant to the procedure specified in Article 6 (Action and Proceedings) of Subchapter 1 (State Housing Law Regulations) of Chapter 1 of Division 1 of Title 25 (Housing and Community Development) of the California Code of Regulations (25 C.C.R., § 48 et seq.). That procedure is adopted by this reference as though fully set forth herein.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-1 § 5, 97-19 § 3, 90-100 § 3, 82-23, 72-25, 71-76, 69-40, 1631: prior code § 7111: Ord. 1372).

72-6.404 Stop work orders.

Whenever any work is being done contrary to this title or any other law or regulation (including, but not limited to, the following: zoning, health, sanitation, grading, fire protection and safety, or flood control) relating to or affecting the work, the county building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing of the work; and these persons shall stop work immediately until authorized by the county building official to proceed with the work. The stop work order will state the reason for the order and the conditions under which the cited work may be permitted to resume. If the work continues after the issuance of a stop work order, each day the work continues is a separate code violation.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-17 § 2, 99-1 § 5, 90-100 § 2, prior code § 7108, Ord. 1372).

72-6.406 Entry on premises.

(a) Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the county building official has cause to believe that there exists in any building or upon any premises any violation of this code or any condition that makes the building or premises unsafe, unsanitary, dangerous or hazardous, the county building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the county building official by this code. If entry is refused, the county building official has recourse to every remedy provided by law to secure entry.

(b) No person shall conceal any work until it is inspected and written approval to proceed is given. No person shall cover electrical work, or allow it to be covered, to prevent or hinder its inspection, or remove any notice not to cover placed by the county building officials.

(Ords. 2007-54 § 2, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24: prior code § 7109: Ord. 1372).

72-6.408 Correction notice.

If the county building official finds any work as out of compliance with this division, the building official will give written notice to the person engaged in the work. Within ten days after this notice, or within any reasonable further time that the county building official may prescribe, the person doing the work shall change or remove the work or equipment as the county building official may require to make it comply fully with this division.

(Ords. 2007-54 § 2, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

72-6.410 Withhold permit.

The county building official may, exercising sound discretion, withhold the issuance or reinstatement of a permit under this Title 7 for any structure on a parcel of land concerning either or both of which there exists any violation of law or regulation (including, but not limited to the following: building, grading, zoning, fire protection and safety, health, sanitation, or flood control) relating to or affecting that permit. In determining whether a permit shall be issued, the county building official will also consider whether the existing violation constitutes an unlawful occupancy or a hazard to life or property. The county building official may require correction of a violation before issuing a permit, or as a condition of issuance within a stated period of time including any extensions granted for good cause shown. Failure to comply with such condition is a ground for revocation as provided by law.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-17 § 3, 99-1 § 5, 77-63 § 2; § 27-2.014, Ord. 1809, prior code § 7100(g)).

72-6.412 Disconnection of utility service.

(a) The county building official may shut off or disconnect any or all utility service to any structure or facility or to any electrical conductor or apparatus that is in violation of any state or county law or regulation relating thereto or that endangers the public health, safety or welfare, or the county building official may order this done.

(b) If the county building official finds that the violation involves an immediate danger to person(s) or properties or to the public health, safety or welfare, the county building official may have the action taken as quickly as deemed necessary by the danger; otherwise the county building official will give ten days advance notice thereof by mail to the utility and to the owner as shown on the last assessment roll and by conspicuous posting on the property; and the county building official will post notice of the orders and the action taken, which no person shall remove, tamper with or disobey. The county building official will rescind or modify such action which it becomes proper to do so in view of the danger or violation.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-1 § 5, 71-110 § 8 (part), 1971: prior code § 7112: Ord. 1442).

72-6.414 Power companies to notify county building official.

(a) Notice. Whenever in, on or about any building any person engaged in the distribution or sale of electrical energy or natural gas sets, resets, installs or reinstalls any meter for the measurement of electrical energy or natural gas, or connects or reconnects to, or supplies or services any installation of electrical equipment or natural gas, or change the nominal voltage of electrical supply or service to any installation of electrical equipment, or changes any electrical supply or service from two-wire to three-wire or vice versa, or from single-phase to polyphase or vice versa, or from direct current to alternating current or vice versa, that person shall within two days thereafter, exclusive of Sundays and holidays, give written notice thereof to the county building official specifying the location and address of the installation affected.

(b) Thirty-Day Exception. This notice need not be given for work expressly approved by the county building official within thirty days after inspection approval.

(c) Authorization Required. No person engaged in the distribution or sale of electrical energy shall connect a distribution system, including windpower generators, or any live supply or service conductor(s) therefrom, to any electrical equipment in, on or about any building or cause or allow any energizing of such connections, including windpower or emergency/stand by electrical generation until the county building official inspects the electrical equipment and authorizes such connections. No gas utility provider engaged in the distribution or sale of natural gas shall connect a distribution system to any natural gas equipment in, on or about any building until the county building official inspects the natural gas installation and authorizes such connections.

(d) Permit Required. A permit shall be obtained from the county building official to restore electrical or gas service to any structure that has been without such service for ninety days or more. The county building official will notify the servicing utility that the electrical service equipment and associated wiring has been inspected and approved before electrical or gas service may be reinstated.

(e) Waiver. The county building official may, exercising sound discretion, temporarily or permanently waive any or all requirements of this article by giving written notice of such waiver to all persons involved. The county building official may likewise at any time revoke such waiver by similar notice.

(Ords. 2007-54 § 2, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

72-6.416 Reserved.

Editor's note(s)—Ord. No. 2019-31, § VIII, adopted November 12, 2019, repealed § 72-6.416, which pertained to enforcement of state law and derived from Ords. 2007-54 § 2, 2002-31 § 2, 99-17 § 4, 99-1 § 5, 90-100 § 4, 1629: prior code § 7114.

Article 72-6.6. Other Provisions

72-6.602 Reference to officials in adopted codes.

In the codes adopted by reference in this title, references to "city" mean the county of Contra Costa; to "city council or mayor" mean the board of supervisors of this county; to "state" mean the state of California; and to "building official," "chief building inspector," "administrative authority," or "authority enforcing this code" mean the director of building inspection of this county.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-1 § 5, 80-14 § 2: prior code § 7102: Ord. 1372).

72-6.604 General safety.

All work shall be performed, and all equipment shall be constructed, installed, protected, operated, repaired, used and maintained, in accordance with the requirements of this division and in such manner as to be reasonably safe and free from risk of accident or injury to person or property. No person shall act contrary to this general regulation or neglect to act as required hereby.

(Ords. 2007-54 § 2, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

72-6.606 Liability of county.

This title shall not be construed to impose on the county any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the county, or any official or employee of the county, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the county that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued nor shall it be construed as permission or license to enter on, occupy or otherwise utilize private or noncounty property without the express consent of the owner or agent in possession thereof.

(Ords. 2007-54 § 2, 2002-31 § 2, 99-1 § 5: prior code § 7113: Ord. 1442).

Division 74 BUILDING CODE

Chapter 74-2 ADOPTION

Sections:

74-2.002 Adoption.

(a) The building code of this county is the 2022 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2022 California Residential Code (California Code of Regulations, Title 24, Part 2.5), the 2022 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), the 2022 California Existing Building Code (California Code of Regulations, Title 24, Part 10), and the 2022 California Energy Code (California Code of Regulations, Title 24, Part 6), as amended by the changes, additions, and deletions set forth in this division and Division 72.

(b) The 2022 California Building Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

(c) The 2022 California Residential Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

(d) The 2022 California Green Building Standards Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

(e) The 2022 California Existing Building Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

(f) The 2022 California Energy Code, with the changes, additions, and deletions set forth in Chapter 74-4 and Division 72, is adopted by this reference as though fully set forth in this division.

(g) At least one copy of this building code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.

(h) As of the effective date of the ordinance from which this division is derived, the provisions of the building code are controlling and enforceable within the county.

(Ords. 2019-31 § II, 2016-22 § II, 2013-24 § II, 2011-03 § II, 2007-54 § 3, 2002-31 § 3, 99-17 § 5, 99-1, 90-100 § 5, 87-55 § 4, 80-14 § 5, 74-30).

(Ord. No. 2022-35, § II, 10-25-22; Ord. No. 2022-02, § II, 1-18-22)

Chapter 74-4 MODIFICATIONS[1]

74-4.002 Amendments to CBC.

The 2022 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Building Code.

(a) CBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of this code and as follows:

(1) Sections 103 and 113 of CBC Chapter 1 are deleted.

(2) Section 105.2 (Work exempt from permit) of CBC Chapter 1, subsection 4 is amended to read:

4. Retaining walls that are not more than 3 feet in height measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.

(3) Section 107.2.1 (Information on construction documents) of CBC Chapter 1 is amended to read:

107.2.1 Information on Construction Documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the county building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

(4) Section 110.1 (Inspections - General) of CBC Chapter 1 is amended by adding the following to the end of that section:

At the time of first inspection by the county building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit

[1]Editor's note(s)—Ord. No. 2016-22, § III, adopted November 15, 2016, amended Ch. 74-4, in its entirety. At the editor's discretion those provisions have been treated as repealing Ch. 74-4, §§ 74-4.002—74-4.006; and enacting a new Ch. 74-4 to read as set out herein. Former ch. 74-4 pertained to similar subject matter, and was derived from Ord. No. 2015-22, § II, adopted December 8, 2015; Ord. No. 2013-24, § III, adopted December 3, 13; Ord. No. 2011-03, § III, adopted February 15, 2011; Ord. No. 2007-54 § 4; Ord. No. 2002-31 § 3; Ord. No. 99-17 § 6; Ord. No. 99-1; Ord. No. 90-100 § 6; Ord. No. 87-55 § 5; Ord. No. 80-14 § 6 and Ord. No. 74-30 § 1.

number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

(b) Section 420.14 [HCD] (Electric vehicle (EV) charging for new construction) of CBC Chapter 4 (Special Detailed Requirements Based on Occupancy and Use) is amended to read:

420.14 Electric vehicle (EV) charging for new construction. Newly constructed Group R-1, R-2, and R-3 buildings shall be provided with infrastructure to facilitate future installation and use of electric vehicle (EV) chargers, and, where required, newly constructed Group R-2 buildings shall be provided with electric vehicle charging spaces equipped with fully-operational EV chargers, in accordance with the California Green Building Standards Code (CALGreen), Chapter 4, Division 4.1.

(c) Section 907.2.11.2.5.1 is added to Section 907.2.11.2.5 (Existing Group R occupancies) of CBC Chapter 9 (Fire Protection Systems), to read:

907.2.11.2.5.1 Existing flat roof buildings. In existing flat roof buildings, the installation of a smoke detector that complies with California Residential Code Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

(d) Section 1405.2 is added to Section 1405 (Combustible materials on the exterior side of exterior walls) of CBC Chapter 14 (Exterior Walls), to read:

1405.2 Wood shakes or shingles. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line or the exterior wall faces a street.

(e) In Section 1705.3 (Concrete construction) of CBC Chapter 17 (Special Inspections and Tests), Exception 1 is amended to read:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

(f) Section 1809.8 (Plain concrete footings) of CBC Chapter 18 (Soils and Foundations) is deleted.

(g) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception 3.

(h) Section 1905.1.7 (ACI 318, Section 14.1.4) of CBC Chapter 19 (Concrete) is amended to read:

1905.1.7 ACI 318, Section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E, or F.

14.1.4.1- Structures assigned to Seismic Design Category C, D, E, or F shall not have elements of structural plain concrete, except as follows:

(a) Reserved.

(b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

(c) Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

(i) Section 1906 (Footings for light-frame construction) of CBC Chapter 19 (Concrete) is deleted.

(j) Section 1907.l (Minimum Slab Provisions - General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:

Slabs shall have a minimum reinforcement of 6-inch by 6-inch by 10-gauge wire mesh or equal at mid-height.

(k) Appendix C and Appendix I of the CBC are incorporated into the County building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix J, Appendix K, Appendix L, and Appendix M of the CBC are excluded from the County building code.

(Ords. 2019-31 § III, 2016-22 § III)

(Ord. No. 2022-35, § III, 10-25-22)

74-4.004 Amendments to CRC.

The 2022 California Residential Code ("CRC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Residential Code.

(a) Sections R103 and R112 of CRC Chapter 1 (Scope and Application) are deleted.

(b) In Section Rl05.2 (Work exempt from permit) of CRC Chapter 1 (Scope and Application), subsection 3 is amended to read:

3. Retaining walls that are not more than 3 feet in height measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.

(c) Section R314.8.1.1 is added to Section R314.8 (Existing Group R-3 occupancies) of CRC Chapter 3 (Building Planning), to read:

R314.8.1.1 Existing flat roof buildings. In existing flat roof buildings, the installation of a smoke detector that complies with Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

(d) Section R602.10.3(3) (Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:

(1) The title of Table R602.10.3(3) is amended to read: TABLE R602.10.3(3)[i]

(2) Footnote "i" is added to Table R602.10.3(3), to read:

i. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story dwellings and accessory structures.

(e) Section R602.10.4.5 is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall Construction), to read:

R602.10.4.5 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted, but gypsum board is permitted to be installed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story dwellings and accessory structures.

(f) Appendix AH and Appendix AX of the CRC is incorporated into the County building code. Appendix AA, Appendix AB, Appendix AC, Appendix AD, Appendix AE, Appendix AF, Appendix AG, Appendix AI,

Appendix AJ, Appendix AK, Appendix AL, Appendix AM, Appendix AN, Appendix AO, Appendix AP, Appendix AQ, Appendix AR, Appendix AS, Appendix AT, Appendix AU, Appendix AV, Appendix AW, Appendix AY, and Appendix AZ of the CRC are excluded from the County building code.

(Ords. 2019-31 § III, 2016-22 § III)

(Ord. No. 2022-35, § III, 10-25-22)

74-4.006 Amendments to CGBSC.

The 2022 California Green Building Standards Code ("CGBSC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Green Building Standards Code.

(a) Section 202 (Definitions) of CGBSC Chapter 2 (Definitions) is amended by replacing the definition of Electric Vehicle Charging Space (EV Space) with the following:

ELECTRIC VEHICLE CHARGING SPACE (EV SPACE). A space intended for current or future installation of EV charging equipment and charging of electric vehicles.

(b) Section 301.1.1 (Additions and alterations) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall apply to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and within the specific area of the addition or alteration.

The mandatory provisions of Section 4.106.4.2 may apply to additions or alterations of existing parking facilities or the addition of new parking facilities serving existing multifamily buildings. See Section 4.106.4.3 for application.

NOTE: Repairs including, but not limited to, resurfacing, restriping, and repairing or maintaining existing lighting fixtures are not considered alterations for the purpose of this section.

The mandatory provisions of Section 4.408 shall apply to the following types of construction or demolition projects for existing residential buildings:

1. Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.
2. Alterations to existing structures impacting 5,000 square feet or more of total combined conditioned and unconditioned building area.
3. Demolition projects when a demolition permit is required.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

For the purposes of determining whether a project meets the 5,000 square-foot threshold, the enforcing agency may deem all phases of a project and all related projects taking place on a single or adjoining parcel(s) as a single project.

(c) Section 301.3.2 (Waste diversion) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.3.2 Waste diversion. The requirements of Section 5.408 shall apply to additions, alterations, and demolition whenever a permit is required for work.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

(d) Section 4.106.4.2.1 (Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended by adding the following Item 3 to the end of the section:

3. EV Chargers. Ten (10) percent of the total number of parking spaces shall be equipped with fully-operational Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

(e) Section 4.106.4.2.1.1 is added to Section 4.106.4.2.1 (Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms) of CGBSC Chapter 4 (Residential Mandatory Measures), to read:

Section 4.106.4.2.1.1 Electric vehicle charging stations (EVCS). Electric vehicle charging stations required by Section 4.106.4.2.1, Item 3, shall comply with Section 4.106.4.2.1.1.

Exception: Electric vehicle charging stations serving public accommodations, public housing, motels and hotels shall not be required to comply with this section. See California Building Code, Chapter 11B, for applicable requirements.

Section 4.106.4.2.1.1.1 Location. EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.1.1.1 and Section 4.106.4.2.1.1.2, Item 3.

Section 4.106.4.2.1.1.2 Electric Vehicle Charging Stations (EVCS) Dimensions. The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).
2. The minimum width of each EV space shall be 9 feet (2743 mm).
3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
   a. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

Section 4.106.4.2.1.1.3 Accessible EV Spaces. In addition to the requirements in Sections 4.106.4.2.1.1.1 and 4.106.4.2.1.1.2, all EVSE, when installed, shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A.

(f) Section 4.106.4.2.2 (Multifamily Development Projects With 20 or More Dwelling Units, Hotels and Motels With 20 or More Sleeping Units or Guest Rooms) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended by revising Item 3, to read:

3. EV Chargers. Ten (10) percent of the total number of parking spaces shall be equipped with fully-operational Level 2 EVSE. Where common use parking is provided, at least one EV charger shall be located in the common use parking area and shall be available for use by all residents or guests.

When low power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required, an automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each space served by the ALMS. The electrical system and any on-site distribution transformers shall have sufficient capacity to deliver at least 3.3 kW simultaneously to each EV charging station (EVCS) served by the ALMS. The branch circuit shall have a minimum capacity of 40 amperes, and installed EVSE shall have a capacity of not less than 30 amperes. ALMS shall not be used to reduce the minimum required electrical capacity to the required EV capable spaces.

(g) Section 4.408.1 (Construction waste management) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 4.408.2.

Exceptions:

1. Excavated soil and land-clearing debris.
2. The enforcing agency may identify alternate waste reduction requirements if the agency determines that an owner or contractor has adequately demonstrated that diversion facilities necessary for the owner to comply with this section do not exist or are not located within a reasonable distance from the jobsite.

(h) Section 4.408.2 (Construction waste management plan) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.2 Construction waste management plan. Submit a construction waste management plan for the project, signed by the owner, in conformance with Items 1 through 5 prior to issuance of building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency. The plan must do all of the following:

1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.
2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion and disposal facilities where the construction and demolition waste material will be taken and identify the waste management companies, if any, that will be utilized to haul

the construction and demolition waste material. A waste management company utilized to haul construction and demolition waste material must have all applicable County approvals.

4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.

5. Specify that the amount of construction and demolition debris shall be calculated consistent with the enforcing agency's requirements for the weighing of debris. The owner shall ensure that all construction and demolition debris diverted or disposed are measured and recorded by weight or volume using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not possible due to lack of scales or not practical due to materials being reused on-site or elsewhere or other considerations, a volumetric measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the enforcing agency for this purpose.

(i) Section 4.408.3 (Waste management company) of CGBSC Chapter 4 (Residential Mandatory Measures) is deleted.

(j) Section 4.408.5 (Documentation) of CGBSC Chapter 4 (Residential Mandatory Measures) is amended to read:

Section 4.408.5 Documentation. A construction waste management final report containing information and supporting documentation that demonstrates compliance with Section 4.408.1, Section 4.408.2, Items 1 through 5, and, when applicable, Section 4.408.4 or Section 4.408.4.1, shall be provided to the enforcing agency before the final inspection. The required documentation shall include, but is not necessarily limited to, the following:

1. Documentation of the quantity by weight of each material type diverted or disposed, consistent with the requirements of Section 4.408.2, Item 5, and receipts or written certification from all receiving facilities utilized to divert or dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report; or

2. For projects that satisfy the waste stream reduction alternative specified in Section 4.408.4 or Section 4.408.4.1, documentation of the quantity by weight of each material type disposed and the total combined weight of construction and demolition waste disposed in landfills as a result of the project, the corresponding pounds disposed per square foot of the building area, and receipts or written certification from all receiving facilities utilized to dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report.

(k) Section 5.106.5.3.1 (EV capable spaces) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.1 EV Capable Spaces. [N] EV capable spaces shall be provided in accordance with Table 5.106.5.3.1 and the following requirements:

1. Raceways complying with the California Electrical Code and no less than 1-inch (25 mm) diameter shall be provided and shall originate at a service panel or a subpanel(s) serving the area, and shall terminate in close proximity to the proposed location of the EV capable space and into a suitable listed cabinet, box, enclosure or equivalent. A common raceway may be used to serve multiple EV capable spaces.

2. A service panel or subpanel(s) shall be provided with panel space and electrical load capacity for a dedicated 208/240 volt, 40- ampere minimum branch circuit for each EV capable space, with delivery of 30-ampere minimum to an installed EVSE at each EVCS.

3. The electrical system and any on-site distribution transformers shall have sufficient capacity to supply full rated amperage at each EV capable space.

4. The service panel or subpanel circuit directory shall identify the reserved overcurrent protective device space(s) as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE."

Note: A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standard automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by an enforcement agency. See Vehicle Code Section 22511.2 for further details.

TABLE 5.106.5.3.1

TOTAL NUMBER OF ACTUAL PARKING SPACES	NUMBER OF REQUIRED EV CAPABLE SPACES	NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE)[2]
1-9	0	0
10-25	4	3
26-50	8	5
51-75	13	8
76-100	17	10
101-150	25	15
151-200	35	20
201 and over	20 percent of total[1]	10 percent of total[1]

[1] Calculation for spaces shall be rounded up to the nearest whole number.

[2] The number of required EVCS (EV capable spaces provided with EVSE) in column 3 count toward the total number of required EV capable spaces shown in column 2.

(l) Section 5.106.5.3.2 (Electric vehicle charging stations (EVCS)) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.106.5.3.2 Electric Vehicle Charging Stations (EVCS). EV capable spaces shall be provided with fully-operational EVSE to create EVCS in the number indicated in Table 5.106.5.3.1. The EVCS required by Table 5.106.5.3.1 may be provided with EVSE in any combination of Level 2 and Direct Current Fast Charging (DCFC), except that at least one Level 2 EVSE shall be provided.

One EV charger with multiple connectors capable of charging multiple EVs simultaneously shall be permitted if the electrical load capacity required by Section 5.106.5.3.1 for each EV capable space is accumulatively supplied to the EV charger.

The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV capable spaces without EVSE by five and reduce proportionally the required electrical load capacity to the service panel or subpanel.

(m) Section 5.408.1 (Construction waste management) of CGBSC Chapter 5 Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1 Construction waste management. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1.

Exceptions:

1. Excavated soil and land-clearing debris.
2. The enforcing agency may identify alternate waste reduction requirements if the agency determines that an owner or contractor has adequately demonstrated that diversion facilities necessary for the owner to comply with this section do not exist or are not located within a reasonable distance from the jobsite.

(n) Section 5.408.1.1 (Construction waste management plan) of CGBSC Chapter 5 Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.1 Construction waste management plan. Submit a construction waste management plan for the project, signed by the owner, in conformance with Items 1 through 5 prior to issuance of building permit. The construction waste management plan shall be updated as necessary upon approval by the enforcing agency and shall be available during construction for examination by the enforcing agency. The plan must do all of the following:

1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.
2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
3. Identify diversion and disposal facilities where the construction and demolition waste material will be taken and identify the waste management companies, if any, that will be utilized to haul the construction and demolition waste material. A waste management company utilized to haul construction and demolition waste material must have all applicable County approvals.
4. Identify construction methods employed to reduce the amount of construction and demolition waste generated.
5. Specify that the amount of construction and demolition debris shall be calculated consistent with the enforcing agency's requirements for the weighing of debris. The owner shall ensure that all construction and demolition debris diverted or disposed are measured and recorded by weight or volume using the most accurate method of measurement available. To the extent practicable, all construction and demolition debris shall be weighed using scales. Scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not possible due to lack of scales or not practical due to material being reused on-site or elsewhere or other considerations, a volumetric measurement shall be used. The owner shall convert volumetric measurements to weight using the standardized conversion factors approved by the enforcing agency for this purpose.

(o) Section 5.408.1.2 (Waste management company) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is deleted.

(p) Section 5.408.1.4 (Documentation) of CGBSC Chapter 5 (Nonresidential Mandatory Measures) is amended to read:

Section 5.408.1.4 Documentation. A construction waste management final report containing information and supporting documentation that demonstrates compliance with Section 5.408.1, Section 5.408.1.1, Items 1 through 5, and, when applicable, Section 5.408.1.3, shall be provided to the enforcing agency before the final inspection. The required documentation shall include, but is not necessarily limited to, the following:

1. Documentation of the quantity by weight of each material type diverted or disposed, consistent with the requirements of Section 5.408.1.1, Item 5, and receipts or written certification from all

receiving facilities utilized to divert or dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report; or

3. For projects that satisfy the waste stream reduction alternative specified in Section 5.408.1.3, documentation of the quantity by weight of each new construction material type disposed and the total combined weight of new construction waste disposed as a result of the project, the corresponding pounds of new construction disposal per square foot of the building area, and receipts or written certification from all receiving facilities utilized to dispose waste generated by the project that substantiate the amounts specified on the construction waste management final report.

(Ords. 2019-31 § III, 2016-22 § III)

(Ord. No. 2022-35, § III, 10-25-22)

74-4.008 Amendments to CEBC.

The 2022 California Existing Building Code ("CEBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72.

Section numbers used below are those of the 2022 California Existing Building Code

(a) CEBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of this code and as follows:

(1) Sections 103 and 112 of CEBC Chapter 1 are deleted.

(2) Section 106.1 (Construction Documents - General) of CEBC Chapter 1 is amended by deleting the exception.

(3) Section 106.2.1 (Construction documents) of CEBC Chapter 1 is amended to read:

106.2.1 Construction documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the county building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

(Ords. 2019-31 § III, 2016-22 § III)

(Ord. No. 2022-35, § III, 10-25-22)

74-4.010 Amendments to CEnC.

The 2022 California Energy Code ("CEnC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72. Section numbers used below are those of the 2022 California Energy Code.

(a) Section 100.0(e)(2)(A) of CEnC Subchapter 1 (All Occupancies - General Provisions) is amended to read:

A. All newly constructed buildings.

i. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsection B, C, D, or E, as applicable.

ii. A newly constructed building that is any of the following building types shall be an all-electric building:

a. Residential.

b. Detached accessory dwelling unit.

c. Hotel.

d. Office.

e. Retail.

Exception to Section 100.0(e)(2)(A)(ii): Development projects that have obtained vested rights before June 1, 2022, pursuant to a development agreement in accordance with Government Code section 65866, a vesting tentative map in accordance with Government Code section 66998.1, or other applicable law, are exempt from the requirements of Section 100.0(e)(2)(A)(ii).

(b) Section 100.1(b) (Definitions) of CEnC Subchapter 1 (All Occupancies - General Provisions) is amended by adding the following definition:

ALL-ELECTRIC BUILDING means a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the sole source of energy for its space heating (including heating of all indoor and outdoor spaces of the building), water heating (including heating of indoor and outdoor pools and spas), cooking appliances, and clothes drying appliances. An all-electric building may utilize solar thermal pool heating.

(Ord. No. 2022-35, § IV, 10-25-22; Ord. No. 2022-02, § III, 1-18-22)

Chapter 74-6 PERMITS, DRAINAGE AND STREETS

Sections:

74-6.004 Drainage facility requirements.

(a) Suitable open drainage facilities (such as gutters, ditches, open conduits, or channels, whether of earth or lined with an acceptable material) shall be provided to protect all buildings, structures, and improvements from dampness, ponding, and inundation by storm, rain, surface, foreign, flood, and subsurface waters originating within or without the boundaries of the property.

(b) Subsurface drainage facilities for controlling, lowering, or intercepting ground water or subsurface flow shall be installed wherever the water might be detrimental to any building or structure or might contribute to the instability either of the foundation soil or of any earth material adjacent to or adjoining the building or structure.

(c) Drainage of water from swimming pools and similar improvements (but not waste from water treatment facilities) shall be conveyed, preferably in closed conduits, to a storm drainage facility or a natural channel or watercourse, without injury to buildings, structures, or improvements within or without the property boundaries and without causing erosion.

(d) Properly recorded easements or reserves shall be provided for all drainage structures and facilities (except roof and swimming pool drains), and shall be fully designated for the exclusive purpose for which the parcels shall be used.

(Ords. 2002-31 § 3, 99-1 § 6: 74-30).

74-6.006 Construction within future street boundaries.

No building permit shall be issued for the construction within the boundaries of any future street as shown on future street-line maps recommended by the director of public works and adopted from time to time by the board of supervisors.

(Ords. 2002-31 § 3, 99-1 § 6: 74-30).

74-6.008 Agreement on grades, sidewalks and curbs.

No building permits for the construction of any structure or improvement for which a permit is required shall be issued unless the applicant shall make an agreement that as a part of such construction:

(1) If required by the county, there shall be constructed a sidewalk and curb across the property upon which such structure is proposed, at the grade and in accordance with the specifications of the director of public works;

(2) The property on which the proposed structure is to be built shall be graded in reasonable relation to the grade of the public street or way on which the property abuts. In determining this reasonable relationship, the county building official shall consider, among other factors, safe vehicular access to and from the property, adequate drainage, and visibility along the adjacent public street;

(3) Vehicular access to and from the property shall be provided only in locations approved by the county building official.

(Ords. 2002-31 § 3, 99-1 § 6: 74-30).

74-6.010 Structures with structure setback areas.

(a) No building permit shall be issued for the construction of any permanent structures, other than drainage structures, within, under or over any structure setback area covered by a drainage easement or a deed of development rights and established pursuant to Chapter 914-10.

(b) Whenever the property upon which a building permit is sought includes a structure setback area, the county building official shall refer the application to the public works department for verification of the structure setback line.

(Ords. 2002-31 § 3, 99-1 § 6: 85-40).

74-6.012 Drainage plan.

(a) When Required. A drainage plan is required for any building, structure or improvement that requires a building permit and falls within one of the following categories:

(1) Results in an impervious surface of one thousand square feet or more;

(2) Involves grading, or removal of vegetation down to bare soil by any method, of more than ten thousand square feet;

(3) Is subject to local ponding due to soil or topographic conditions;

(4) Is located within a special flood hazard area, as defined in Section 82-28.504;

(5) Involves land disturbance or structure placement within one hundred feet of the top bank of any watercourse shown with a blue line on the most current USGS seven and one-half minute quadrangle map;

(6) Involves construction of five hundred square feet or more on land where the slope exceeds ten percent;

(7) Is located in an area identified by the county building official as having a history of flooding or erosion that may be further aggravated by, or have a harmful effect on, the construction or adjoining properties.

(b) Contents.

(1) A drainage plan shall include the following site information:

(A) Flow lines of surface and subsurface waters onto and off of the site;

(B) Existing and finished contours, at two-foot intervals;

(C) The location of any existing buildings, structures or improvements on the property where the work is to be performed and on adjacent lots;

(D) Sufficient information to demonstrate compliance with Chapters 816-4 and 816-6;

(E) The location of all existing natural and human-made drainage facilities for the storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets serving the site.

(2) A drainage plan shall include the following drainage information:

(A) The location of all proposed natural and human-made drainage facilities for the storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets;

(B) All surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be built with or as a part of the proposed construction;

(C) Hydraulic calculations that show the flow-carrying capacities of proposed conveyance devices and justify the estimated runoff of the area served by any proposed conveyance device;

(D) Discharges and velocities of proposed conveyance devices, and storage volumes of any sumps, ponds or sediment basins.

(3) Engineered Drainage Plans. A drainage plan shall be prepared by a registered civil engineer if construction is proposed for land where the slope exceeds twenty percent or if the land is identified by the county building official, based on the most current USGS seven and one-half minute quadrangle map or other published sources, as having a history of unstable soil or landslides. An engineered drainage plan shall include estimates of existing and increased runoff resulting from proposed improvements and methods for reducing the velocity of any increased runoff, in addition to all other information required by this section.

(4) Geotechnical Reports. If a drainage plan shows that discharge resulting from the proposed construction will occur over land where the slope exceeds twenty percent or over land with a history of unstable soils, then a geotechnical report shall also be prepared.

(c) Procedures. A drainage plan shall be submitted with the building permit application. Drainage plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. Drainage plans shall be prepared in accordance with written standard specifications on file with the county building official. A drainage plan is not considered approved until the county building official approves the plan in writing.

(d) Violations.

(1) The failure to submit a required drainage plan is a violation of this section.

(2) The failure to comply with an approved drainage plan, including the failure to construct drainage improvements specified in an approved drainage plan, is a violation of this section.

(Ord. 2007-01 § 2).

Division 76 ELECTRICAL CODE

Chapter 76-2 ADOPTION

Sections:

76-2.002 Adoption.

(a) The electrical code of this county is the 2022 California Electrical Code (California Code of Regulations, Title 24, Part 3) ("CEC"), as amended by the changes, additions, and deletions set forth in this division and Division 72.

(b) The 2022 California Electrical Code, with the changes, additions, and deletions set forth in Chapter 76-4 and Division 72, is adopted by this reference as though fully set forth in this division.

(c) At least one copy of this electrical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.

(d) As of the effective date of the ordinance from which this division is derived, the provisions of the electrical code are controlling and enforceable within the county.

(Ords. 2019-31 § IV, 2016-22 § IV, 2013-24 § IV, 2011-03 § IV, 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24)

(Ord. No. 2022-35, § IV, 10-25-22)

Chapter 76-4 MODIFICATIONS

Sections:

Article 76-4.2 Reserved[2]

Article 76-4.4. General Requirements

76-4.402 Authorization.

The county building official is authorized to inspect all electrical equipment and work, including electrical equipment and work that is listed in CEC Section 90-2(B)(4) and CEC Section 90-2(B)(5) but is otherwise not covered by the CEC. When the county building official finds any electrical equipment to be dangerous or unsafe, the building official will so notify the person owning, using or operating it, who shall make the repairs or changes required to make the equipment safe, and complete this work within ten days after notice or such further time as the county building official may set. Any electrical system deemed an immediate, imminent hazard to life and property shall be de-energized immediately by the owner, the owner's representative or the county building official.

(Ords. 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

76-4.404 Approved equipment.

When obtainable, electrical equipment that an approved testing laboratory has examined, listed or labeled as conforming to applicable standards shall be used in preference to others.

(Ords. 2019-31 § IX, 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 82-23 § 2, 79-67, 76-24).

76-4.406 Moved buildings.

Electrical systems that are part of buildings or structures moved into this jurisdiction shall comply with the provisions of this code for new buildings.

(Ords. 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

[2]Editor's note(s)—Ord. No. 2016-22, § V, adopted November 15, 2016, repealed Ch. 76-4, Art. 76-4.2, §§ 76-4.202, 74-4.204, in its entirety. Former Art. 76-4.2 pertained to "Amendments," and was derived from Ord. No. 2007-54 § 5; Ord. No. 2002-31 § 4; Ord. No. 99-17 § 11; Ord. No. 89-60 § 2; Ord. No. 82-23 § 2; Ord. No. 79-67 and Ord. No. 76-24.

76-4.408 Application of Chapters 2, 3, and 5, Division 1, Title 25, C.C.R.

Electrical work in mobilehome parks and campgrounds shall comply with Chapters 2, 3, and 5 of Division 1 of Title 25 of the California Code of Regulations.

(Ords. 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

Article 76-4.6. Connections to Installations

76-4.602 County building official's approval required.

No person shall connect a source of electrical energy, or supply electric service, to any electrical equipment for the installation of which a permit is required without first obtaining the county building official's written authorization.

(Ords. 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

76-4.604 Unlawful reconnections.

No person shall connect a source of electrical energy, or supply electric service, to any electrical equipment which the county building official has disconnected or ordered disconnected until the building official authorizes in writing its reconnection and use. The county building official will notify the serving utility of the order to discontinue use.

(Ords. 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

76-4.606 Unlawful wiring, electric fences, warning.

(a) Prohibition. Except as provided in subsection (b), a person may not construct or maintain any spring gun, or any electric wiring device, designated or intended to injure and/or shock animals or persons, or any contrivance or apparatus for that purpose.

(b) Livestock Exception. Persons principally engaged in the business of handling livestock as a primary means of production or income may electrify fences to control or confine livestock upon complying with all the following requirements:

(1) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.

(2) Any electrical fence to which the public may have access, except cross fences to confine and control livestock, shall be posted with a warning notice containing the following or similar wording:

"DANGER. ELECTRIC FENCE,"

or

"DANGER. HIGH VOLTAGE."

This notice shall be posted along any such main fence at intervals of not more than 200 feet and in letters at least two inches high.

(Ord. No. 2013-24, § IV, 12-3-13; Ord. No. 2011-03, § IV, 2-15-11; Ords. 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-57, 76-24).

76-4.608 Power from generators.

(a) All occupancies that have commercially supplied electricity shall connect to the commercial supplier.

(b) Any occupancy that has commercially supplied electricity shall not use a permanent or temporary generator(s), provided that a generator(s) may be used for commercial purposes when authorized by the county building official.

(Ords. 2013-24 § IV, 2011-03 § IV, 2007-54 § 5, 2005-32 § 2).

76-4.610 Boat docks.

Whether open or roofed, lighting shall be provided to insure sufficient protective lighting at least two-foot-candles at all points for pedestrians on the docks, within covered berths, and on all walkways or ramps to shore and to the nearest access road within or adjacent to the harbor property.

(Ords. 2013-24 § IV, 2011-03 § IV, 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

76-4.612 Public nuisance lighting.

Lighting fixtures shall be installed, controlled or directed so that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property.

(Ords. 2013-24 § IV, 2011-03 § IV, 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2, 82-23 § 2, 79-67, 76-24).

76-4.614 Reserved.

Editor's note(s)—Ord. No. 2019-31, § X, adopted November 12, 2019, repealed § 76-4.614, which pertained to time of service and derived from Ords. 2007-54 § 5, 2002-31 § 4, 99-17 § 11, 89-60 § 2. 82-23 § 2, 79-67, 76-24.

Division 78 PLUMBING CODE

Chapter 78-2 ADOPTION

Sections:

78-2.002 Adoption.

(a) The plumbing code of this county is the 2022 California Plumbing Code (California Code of Regulations, Title 24, Part 5), as amended by the changes, additions, and deletions set forth in Division 72.

(b) The 2022 California Plumbing Code, with the changes, additions, and deletions set forth in Division 72, is adopted by this reference as though fully set forth in this division.

(c) At least one copy of this plumbing code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.

(d) As of the effective date of the ordinance from which this division is derived, the provisions of the plumbing code are controlling and enforceable within the county.

(Ords. 2019-31 § V, 2016-22 § VI, 2013-24 § V, 2011-03 § V, 2007-54 § 6, 2002-31 § 5, 99-17 § 12, 74-29)

(Ord. No. 2022-35, § V, 10-25-22)

Division 710 MECHANICAL CODE

Chapter 710-2 ADOPTION

Sections:

710-2.002 Adoption.

(a) The mechanical code of this county is the 2022 California Mechanical Code (California Code of Regulations, Title 24, Part 4), as amended by the changes, additions, and deletions set forth in Division 72.

(b) The 2022 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72, is adopted by this reference as though fully set forth in this division.

(c) At least one copy of this mechanical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.

(d) As of the effective date of the ordinance from which this division is derived, the provisions of the mechanical code are controlling and enforceable within the county.

(Ords. 2019-31 § VI, 2016-22 § VII, 2013-24, § VI, 2011-03 § VI, 2007-54 § 7, 2002-31 § 6, 99-17 § 13, 88-91 § 5, 74-31)

(Ord. No. 2022-35, § VI, 10-25-22)

Division 712 UNIFORM HOUSING CODE

Chapter 712-2 ADOPTION

Sections:

712-2.002 Purpose and findings.

The board of supervisors finds that many dwellings in this county are undesirable for habitation because they are substandard in one or more important features of structure, equipment, maintenance and occupancy; that without enactment and enforcement of a housing code, the number of these deficient dwellings will increase and their substandard conditions will worsen; and that these deficiencies impair the public health, safety and welfare, contribute to overcrowding and other unsafe and harmful living conditions, discourage the best use of land, and hinder civic improvement.

(Ords. 2002-31 § 6, 99-17 § 14, 81-27 § 1, 1524: prior code § 7185).

712-2.004 Generally.

The Uniform Housing Code (UHC), 1997 edition, as amended by the California Building Standards Commission, published by the International Conference of Building Officials, is adopted by reference with the changes, additions and deletions and amendments, set forth in Chapter 712-4. Three copies of this Uniform Code are now on file in the office of the clerk of the board for use and examination by the public.

(Ords. 2002-31 § 6, 99-17 § 14, 81-27 § 1, 68-3 § 1, 1633, 1524: prior code § 7186).

Chapter 712-4 MODIFICATIONS

Sections:

712-4.002 Generally.

The Uniform Housing Code adopted by reference in Section 712-2.004, shall be effective in this county with the modifications set forth in this chapter.

(Ords. 2002-31 § 6, 99-17 § 14, 81-27 § 1, 68-3 § 2, 1633, 1524: prior code § 7187).

712-4.006 Section 202 amended—Substandard buildings.

Section 202 is amended to read as follows:

"Sec. 202. All buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and may be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Article 6 (Actions and Proceedings) of Subchapter 1 (State Housing Law Regulations) of Chapter 1 of Part 1 of Title 25 (Housing and Community Development) of the California Administrative Code (25 C.A.C. §§ 48 ff.); or pursuant to the Uniform Nuisance Abatement Procedure in Chapter 14-6 of this Code; however, interest accruing on any unpaid abatement expense pursuant to 25 C.A.C. § 70(b) shall be at the rate of 7% per annum, provided notice of such interest is given in the notice of lien filed with the county recorder."

(Ords. 2002-31 § 6, 99-17 § 14, 86-56 § 2, 81-27 § 1).

712-4.008 Section 203 deleted.

Section 203 (Housing Advisory and Appeals Board) shall be deleted and amended to refer the appellant to Chapter 14 on matters of appeal of interpretation and enforcement of the provisions of this code.

(Ords. 2002-31 § 6, 99-17 § 14, 81-27 § 1: prior code § 712-4.006; Ords. 68-3 § 2, 1633, 1524: prior code § 7187(b)).

712-4.010 Section 401 amended—Definitions.

Section 401 is amended to include the following additional and modified definitions:

"(1) Occupant means the person having the right to occupy or occupying a place of habitation.

(2) Owner means any person who severally or jointly with others, holds legal or equitable title to any residential building or property.

(3) "State Housing Act" shall mean Division 13, Part 1.5, Titled "State Housing law and Building Regulations," of the Health and Safety Code of the State of California."

(Ords. 99-17 § 14; 81-27 § 1: prior code § 712-4.008: Ords. 68-3 § 2, 1633, 1524: prior code § 7187(c)).

712-4.012 Chapters deleted.

Chapter 11, except for sections 1101.1, 1103, 1104, 1104.2, is deleted. Chapters 12, 13, 14, 15 and 16 are deleted. Matters of appeal and enforcement are as set forth in Chapter 14 of this code.

(Ords. 99-17 § 14; 81-27 § 1).

712-4.014 State Housing law.

For the purpose of enforcing those portions of the State Hosing law (Health and Safety Code, §§ 17910 et seq.) adopted by this code, the building inspection department is also the housing department for Contra Costa County. Any violation of such adopted portions of the State Housing law is a public nuisance, and may be abated pursuant to Chapter 14-6 of this code or pursuant to any other remedy available under this code or applicable law or regulation.

(Ord. 99-17 § 14).

Division 714 HOUSE MOVING

Chapter 714-2 DEFINITIONS

Sections:

714-2.002 Generally.

Where used in this division, the following words and phrases shall have the meanings given in this chapter.

(Ord. 67-8 (part), 1967: prior code § 7300 (part): Ord. 1003).

714-2.004 Applicant.

"Applicant" means the recorded owner of the land to which the structure is to be moved.

(Ord. 67-8 (part), 1967: prior code § 7300(d): Ord. 1003).

714-2.006 Building inspector.

"Building inspector" means the chief building inspector of this county or their duly designated representative. (Ord. 67-8 (part), 1967: prior code § 7300(a): Ord. 1003).

714-2.008 Permit.

"Permit" means written authorization issued by the building inspection department.

(Ord. 67-8 (part), 1967: prior code § 7300(b): Ord. 1003).

714-2.010 Structure.

"Structure" means:

(1) Any stationary or semi-stationary object or building constructed of building materials; and

(2) Any discarded, used, secondhand, salvaged, abandoned or replaced vehicle, street car, box car, refrigerator car, motor bus body, or similar means of conveyance, or structure of similar nature or construction.

(Ords. 79-7 § 2, 67-8: prior code §§ 7300(c), 7420: Ords. 1003, § 2(f), 489 § 1).

Chapter 714-4 PERMITS

Article 714-4.2. Required

714-4.202 Moving structures.

No person shall move, from anywhere, any structure to or within any lot, piece or parcel of land located within the unincorporated territory of this county, or keep or maintain such structure there, without first having obtained a permit pursuant to this Division 714 from the building inspection director.

(Ords. 79-7 § 3, 67-8: prior code §§ 7301, 7420: Ords. 1003 § 3, 489).

714-4.204 Abandoned vehicle use.

No person shall use any structure as defined in subdivision (2) of § 714-2.010 for habitation, residence or business; but such a structure may be otherwise used with a permit obtained pursuant to this Division 714.

(Ord. 79-7 § 3: prior code § 7420: Ords. 489 § 1).

Article 714-4.4. Application

714-4.402 Application—General requirements.

Every application for a permit to move a structure shall be made upon forms to be furnished by the building inspector and shall contain the requirements set forth in Sections 714-4.404 — 714-4.408.

(Ord. 67-8 (part), 1967: prior code § 7302 (part): Ord. 1003).

714-4.404 Application—Contents.

Applications shall contain:

(1) The address and signature of the applicant;

(2) The location and address of the proposed new location of the structure;

(3) The name, address, and license number of the contractor, if there be a contractor, or the name and address of the person doing the work involved;

(4) Applicant to show proof of ownership of the structure to be moved.

(Ord. 67-8 (part), 1967: prior code § 7302(1): Ord. 1003).

714-4.406 Application—Fee for investigation and report.

The completed application shall be accompanied by a fee for investigation and report as provided in the schedule of fees recommended by the chief building inspector, established and adopted by the board of supervisors from time to time by resolution.

(Ord. 67-8 (part), 1967: prior code § 7302(2): Ord. 1003).

714-4.408 Application—Plan requirements.

The application shall be accompanied by a plot plan showing location of the structure with respect to the property lines and other buildings on the same lot. The chief building inspector may require additional plans, specifications and engineering reports showing details of construction, plumbing, heating and electrical systems, when in the chief building inspector's opinion, because of the nature of the work, it would be necessary to show that the completed structure will comply with the required codes and ordinances.

Plans and specifications shall be of sufficient clarity to indicate the nature and extent of the work proposed.

(Ord. 67-8 (part), 1967: prior code § 7302(3): Ord. 1003).

714-4.410 Application—Processing.

Every application for a permit to move a structure shall be processed as set forth in Sections 714-4.412 — 714-4.416.

(Ord. 67-8 (part), 1967: prior code § 7303 (part): Ord. 1003).

714-4.412 Application—Planning department approval.*

The applicant or the applicant's representative shall present the application to the planning department, which shall endorse its approval on the application, provided the proposed move will not violate existing zoning regulations.

(Ord. 67-8 (part), 1967: prior code § 7303(1): Ord. 1003).

* For planning department, see Ch. 26-2, this code.

714-4.414 Application—Approval by director of public works.

The applicant shall present the application to the director of public works who shall endorse approval on the application, provided the applicant has complied with Division 1002.

(Ord. 67-8 (part), 1967: prior code § 7303(2): Ord. 1003).

714-4.416 Application—Action by building inspector.

The applicant shall return the application to the building inspector for further processing. The building inspector shall:

(1) Inspect the structure for conformance to the rules and regulations contained in this title;

(2) Inspect the building to determine whether it complies with the plans and will conform with the rules and regulations when completed, contained in this title;

(3) Inspect the building to determine whether the building when in place and completed, will have a finished appearance and will be esthetically compatible with the other properties in the vicinity;

(4) Determine the estimated cost of placing and completing the building according to the plans and specifications. No structure in need of sixty percent or more of repair shall be moved.

(Ord. 67-8 (part), 1967: prior code § 7303(3): Ord. 1003).

Article 714-4.6. Performance Bond

714-4.602 Performance bond—Required.

Before the permit is issued, the applicant shall post with the building inspector a performance bond in cash in the amount of five hundred dollars minimum, or ten percent of the on-site completion costs as determined by the building inspector under Section 714-4.416(4).

The condition of the bond shall be that the applicant shall forfeit the bond upon failure to place and complete the structure according to plans and specifications within the time allowed in Section 714-6.202.

(Ord. 67-8 (part), 1967: prior code § 7304: Ord. 1003).

Article 714-4.8. Appeal

714-4.802 Appeal—Filing.

If the application is denied by the building inspector for any reason, the building inspection department shall notify the applicant that the application is denied. If the application is denied because the plans and specifications have not been approved by the building inspector under Section 714-4.416(3), the applicant may appeal to the board of adjustment within ten days after written notification of the denial by filing an appeal with the planning department.

(Ord. 67-8 (part), 1967: prior code § 7305: Ord. 1003).

714-4.804 Appeal—Proceedings.

Proceedings on appeal shall be had under the procedural ordinance of this county. The administration of these matters is referred to the board of adjustment.

(Ord. 67-8 (part), 1967: prior code § 7306: Ord. 1003).

Chapter 714-6 ENFORCEMENT

714-6.002 Alterations and improvements—Completion time.

All required alterations and improvements shall be completed within ninety days after the issuance of a permit to move structures. The building inspector may extend the time period on submission of written proof by the holder of the permit that conditions beyond the control of the holder of the permit make it impossible to complete the required alterations and improvements within the ninety-day period.

(Ords, 88-88 § 14, 67-8: prior code § 7307: Ord. 1003).

714-6.004 Nuisance abatement.

Structures that are not completed according to the submitted plans and specifications within ninety days of the date of issuance of the permit, and any extension of time that may be granted by the building inspector, are declared to be public nuisances, and in addition to any other remedy available under the law, may be abated pursuant to Article 14-6.4.

(Ords. 88-88 § 14, 67-8: prior code § 7308: Ord. 1003).

714-6.006 Penalty.

Every violation of this division is declared to be a misdemeanor, punishable on conviction according to the provisions set forth in Section 14-8.004.

(Ords. 88-88 § 14, 67-8: prior code § 7309: Ord. 1003).

Division 716 GRADING[3]

Chapter 716-2 GENERAL PROVISIONS

Article 716-2.2. Title and Scope

716-2.202 Title.

This division is the grading ordinance of Contra Costa County.

(Ord. 69-59 § 1, 1969).

716-2.204 Scope.

This division sets forth regulations for control of excavating, grading, earthwork construction, including fills or embankments and related work.

(Ord. 69-59 § 1, 1969).

Article 716-2.4. Definitions

[3] For the statutory provisions regarding abandoned excavations, see Gov. C. § 50230 ff; Health & Saf. C. § 24400 ff.

716-2.402 Definitions generally.

As used in this division, the following words and phrases have the meanings set forth in Sections 716-2.404—716-2.436, unless otherwise required by the context.

(Ord. 69-59 § 1, 1969).

716-2.404 Approved soil testing agency.

"Approved soil testing agency" is an agency regularly engaged in the testing of soil under the direction of a civil engineer experienced in soil mechanics (a soil engineer) when such agency has been approved by the building official.

(Ord. 69-59 § 1, 1969).

716-2.406 Bedrock.

"Bedrock" is the relatively solid, undisturbed rock in place either at the ground surface or beneath superficial deposits of gravel, sand or soil.

(Ord. 69-59 § 1, 1969).

716-2.408 Building official.

The county building official is the director of the building inspection department or their duly authorized deputy charged with enforcement of this division.

(Ords. 99-46 § 2: 69-59 § 1, 1969).

716-2.410 Building pad.

"Building pad" is that area of a lot, parcel or site which will be occupied by the building structure, and includes any other structure or improvement attached, adjoining or adjacent thereto.

(Ord. 69-59 § 1, 1969).

716-2.412 Civil engineer.

"Civil engineer" means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the state of California.

(Ord. 69-59 § 1, 1969).

716-2.414 Compaction.

"Compaction" means the act of compacting or consolidating soil and rock material to a specified density, and the resulting compacted state of the material.

(Ord. 69-59 § 1, 1969).

716-2.416 County specifications.

"County specifications" means the current specifications and their amendments adopted by the board of supervisors, relating to county ordinances or to general use by county departments having jurisdiction over earthwork, roads, buildings, drainage, and similar construction.

(Ord. 69-59 § 1, 1969).

716-2.418 Critically expansive soil or other soil problems.

"Critically expansive soil or other soil problems" are soil conditions which are likely to cause damage to improvements, including streets, structures and buildings. They shall be tested by acceptable procedures to provide data suitable for making adequate designs for the improvements.

(Ord. 69-59 § 1, 1969).

716-2.420 Engineering geologist.

"Engineering geologist" means a professional geologist in the branch of engineering geology qualified to hold, or holding a valid certificate of registration as a engineering geologist in the state of California.

(Ord. 69-59 § 1, 1969).

716-2.422 Engineering geology.

"Engineering geology" is the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice.

(Ord. 69-59 § 1, 1969).

716-2.424 Fill.

"Fill" means soil, rock, or other similar irreducible materials placed by

human labor. (Ord. 69-59 § 1, 1969).

716-2.426 Grade and grading.

"Grade and grading" include the acts or results of:

(1) Digging, excavating, transporting, placing, spreading, depositing in an embankment or fill; and/or

(2) Compacting or settling, or shaping of surfaces and slopes in excavations and on embankments; and/or

(3) Backfilling of trenches, pits, ditches and other excavations or natural depressions; and/or

(4) All other operations performed by or controlled by human agency involving the physical movement of rock or soil.

(Ord. 69-59 § 1, 1969).

716-2.428 Natural grade.

"Natural grade" is the vertical location of the ground surface prior to any excavation or fill.

(Ord. 69-59 § 1, 1969).

716-2.430 Quarry.

"Quarry" means any premises or site from which rock, sand, gravel, stone, earth soil or mineral is removed or excavated for immediate or delayed disposition away from the premises, except:

(1) Excavation which is necessary for the development of a lot or parcel, if permits for construction have been issued pursuant to this division, and if the development conforms to the provisions of Title 9;

(2) Excavation which is necessary to bring the contour of the land, within a subdivision for which a map has been recorded, to the grades shown on a land development plan for subdivision, which subdivision has been approved as a part of the grading permit authorizing the excavation.

(Ord. 69-59 § 1, 1969).

716-2.432 Rough grade.

"Rough grade" is the elevation of the ground surface established by grading that approximates the final elevation shown on the approved design.

(Ord. 69-59 § 1, 1969).

716-2.434 Site.

"Site" is any area, lot or parcel of land or contiguous combination thereof, under the same ownership, where grading or development is proposed or performed.

(Ord. 69-59 § 1, 1969).

716-2.436 Soil engineer.

"Soil engineer" is a civil engineer who is experienced in soil mechanics, who investigates and reports on the stability of existing or proposed slopes, who controls the installation and compaction of fills, who recommends soil bearing values, and who provides design criteria and calculations for special earth structures such as buttress fills.

(Ord. 69-59 § 1, 1969).

Article 716-2.6. Prohibited Actions

716-2.602 Prohibited action—Work without permit.

No person shall perform any work within the scope of this division without first having obtained a permit from the building inspection department pursuant to this division.

(Ord. 69-59 § 1, 1969).

716-2.604 Prohibited action—Grading.

No person shall grade, whether or not a permit is required therefor under this division, so that dirt, soil, rock, debris, or other material washed, eroded, or moved from the property by natural or artificial means creates a public nuisance or hazard, or an unlawful encroachment on other property or on a public road or street. Any such matter deposited within the right-of-way of a public road or street which may constitute a nuisance or hazard to public traffic shall be removed immediately, and failure to do so on notice from the county, authorizes the county to have the matter removed at the expense of the responsible party and/or permit holder.

(Ord. 69-59 § 1, 1969).

716-2.606 Prohibited action—Water obstruction.

No person shall obstruct, impede or interfere with the natural flow of storm waters, whether unconfined upon the surface of the land, within land depressions or natural drainage ways, within unimproved channels or watercourses, or within improved ditches, channels or conduits, except for construction operations permitted by the county.

(Ord. 69-59 § 1, 1969).

716-2.608 Prohibited action—Levee work.

No person shall excavate, or remove any material from any levee or do any work on levees required for river or local drainage control without prior approval of the local governmental agency responsible for the maintenance of the levee.

(Ord. 69-59 § 1, 1969).

716-2.610 Prohibited action—Construction in public rights-of-way.*

No person shall perform any work or construct any facility (including excavation or embankment, trenching, driveway construction, or drainage facility) within the right-of-way of a public road or street, or within an easement under the jurisdiction of this county, without a permit from the county agency having jurisdiction.

(Ord. 69-59 § 1, 1969).

* For encroachments of public rights-of-way, see Div. 1002, this code.

Article 716-2.8. Administration

716-2.802 Administration—Authority.*

The building inspection department shall administer this division.

(Ord. 69-59 § 1, 1969).

* For building inspection department, see Ch. 72-2, this code.

716-2.804 Administration—Interpretation.

The county building official is authorized to issue bulletins to interpret or clarify the administrative and technical details of this division.

(Ords. 99-46 § 3: 69-59 § 1, 1969).

Article 716-2.10. Nuisance Abatement

716-2.1002 Nuisance abatement.

Any excavation or fill which the county building official finds is a menace to life, limb or property or adversely affects the safety, use or stability of a public way or drainage way or channel is declared to be a public nuisance, and in addition to any other remedy available under the law, may be abated pursuant to Article 14-6.4.

(Ords. 99-46 § 4: 88-88 § 15, 69-59 § 1, 1969).

Chapter 716-4 PERMITS

Article 716-4.2. Required

716-4.202 Required—Generally.

(a) Except as specified in Sections 716-4.202 through 716-4.208, no person shall grade without having a valid permit as provided in this chapter.

(b) Notwithstanding the provisions of Section 716-4.208, a permit is required for all subdivisions as defined in Title 9, and all other projects for which a governmental agency has specified a permit as being required as a condition of approval.

(c) A separate permit is required for work on each site, unless the sites are contiguous and the entire area is included in the plans accompanying the application.

(d) Grading permits for work on property on which a subdivision or development requiring approval of a tentative map is proposed shall not be issued until reviewed by the public works department for compliance with the requirements of Title 9.

(e) For grading permits involving one thousand cubic yards (764.6 cubic meters) or more of material not required as part of other entitlement permit:

(1) Notice. Before the building inspection department decides any application pursuant to this article, the building inspection department shall mail or deliver notice of intent to decide the application pursuant to the notice provisions of Section 26-2.2004. The notice shall state the last day to request a public hearing on the application (which shall be not less than ten days after date of mailing or delivery), the general nature of the application, and the street address, if any, of the property involved or its legal or boundary description if it has no street address.

(2) Hearing Required. If, within ten calendar days after mailing or delivery of the notice of intent, a written request for public hearing is filed with the building inspection department, it shall schedule a public hearing before the zoning administrator on the application in accordance with applicable provisions of Chapter 26-2 and mail notice thereof to the applicant, the owner and any other persons requesting a hearing.

(Ords. 99-46 § 5: 89-33 § 2, 69-59 § 1, 1969).

716-4.204 Required—Minor grading excepted.

A grading permit is not required for:

(a) An excavation which meets all of the following requirements:

(1) Is less than five feet (1.524 meters) in depth below natural grade and is adequately supported by a retaining structure designed and constructed in accordance with Division 74;

(2) Does not create a cut slope greater than seven feet (2.134 meters) in height and steeper than one vertical to two horizontal; and

(3) Does not exceed two hundred cubic yards (152.92 cubic meters).

(b) A fill which meets all of the following requirements:

(1) Is not intended to support structures;

(2) Does not obstruct a drainage course;

(3) Is placed on natural grade that has a slope not steeper than one vertical to five horizontal;

(4) Is less than three feet (0.914 meters) in depth at its deepest point, measured vertically upward from natural grade to the surface of the fill; and

(5) Does not exceed two hundred cubic yards (152.92 cubic meters).

(c) Minor land leveling for agricultural farming, if the average ground elevation is not changed more than three feet (0.914 meters).

(d) Cemetery graves.

(Ords. 99-46 § 5: 86-25 § 2, 69-59 § 1, 1969).

716-4.206 Required—Types of grading excepted.*

A grading permit is not required for:

(a) An excavation below finished grade for basements and footing of structures authorized by a valid building permit or trench excavations for the purpose of installing underground utilities, if to be backfilled to natural grade;

(b) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay, for which a permit has been granted by the planning agency; provided that, such operations do not affect the lateral support or increase the stresses in, or pressure upon, any adjacent or contiguous property;

(c) Improvement of watercourses and construction of drainage, irrigation and domestic water supply systems and facilities performed under the supervision of the flood control district, an agency of the federal or state government, a water or sanitation district, or an irrigation or reclamation district;

(d) The construction, repair and maintenance of levees for river and local drainage control performed by a governmental agency;

(e) Refuse and garbage disposal sites controlled by other regulations;

(f) Emergency work, as authorized by the county building official, necessary to protect life, limb or property, or to maintain the safety, use or stability of a public way or drainage way.

(Ords. 99-46 § 5: 69-59 § 1, 1969).

* For drainage permits, see Ch. 1010-8 of this code.

716-4.208 Required—Other exceptions.

A grading permit is not required for:

(a) Excavations for installation of underground storage tanks where the capacity of the tank does not exceed twenty thousand gallons (seventy-five thousand seven hundred liters);

(b) Grading in an isolated, self-contained area if the county building official determines that no danger to private or public property is likely to result from the grading operations;

(c) The structural section of subdivision streets in tracts for which subdivision improvement plans have been reviewed by the public works department and the work is being inspected by that department under Title 9;

(d) Temporary local borrow pits for road materials and top soil for landscaping situated within a larger ownership being subdivided into smaller tracts, if the material is being used entirely within the tracts being subdivided, and if the excavations do not endanger properties under other ownerships or create a public nuisance or safety hazard. The land shall be graded to comply with this division on cessation of excavation within the pit areas;

(e) Temporary stockpiles of top-soil materials required for landscaping lots being graded in the immediate area for building purposes if the stockpiles are not placed within a public right-of-way, do not obstruct drainage ways, are not subject to erosion which will cause silting problems in drainage ways, do not endanger other properties, and do not create a public nuisance or safety hazard, as determined by the building official. The land shall be graded to comply with this division after removal of stockpiles;

(f) Fire trails, and access roads to public utility gas and electric transmission lines.

(Ords. 99-46 § 5: 69-59 § 1, 1969).

Article 716-4.4. Applications

716-4.402 Applications—Written.

To obtain a permit the applicant shall first file a written application on an approved form. Every application shall conform to the requirements set forth in Sections 716-4.404—716-4.414.

(Ord. 69-59 § 1, 1969).

716-4.404 Applications—Site description.

The application shall describe the site by lot, block and tract designation, and by a street address or similar description sufficient to readily identify it.

(Ord. 69-59 § 1, 1969).

716-4.406 Applications—Name and address of person involved.

The application shall state the name and address of the owner of the site, the person who is to perform the work, and the soil and civil engineer if such work is to be performed as supervised grading. The permit shall be issued only to the owner or the owner's agent.

(Ord. 69-59 § 1, 1969).

716-4.408 Applications—Plans and specifications.

The applications shall be accompanied by plans, specifications and calculations as may be required by Sections 716-4.602—716-4.608.

(Ord. 69-59 § 1, 1969).

716-4.410 Applications—Estimated cost.

The application shall state the estimated cost of performing the work.

(Ord. 69-59 § 1, 1969).

716-4.412 Applications—Signature of applicant.

The application shall be signed by the applicant or the applicant's authorized agent, who may be required to submit evidence of such authority.

(Ord. 69-59 § 1, 1969).

716-4.414 Applications—Other information.

The application shall give such other information as may be required by the building official.

(Ord. 69-59 § 1, 1969).

Article 716-4.6. Plans and Specifications

716-4.602 Plans and specifications—Required.

With each application for a permit and when required by the county building official for enforcement of any provisions of this code, four sets of plans and specifications shall be submitted. Except as waived by the county building official for small and unimportant work, the plans shall be prepared and signed by a civil engineer or architect and shall contain the items set forth in Sections 716-4.604—716-4.608, plus any additional material which the county building official deems necessary to show conformance of the proposed grading with the requirements of this division and other related ordinances.

(Ords. 99-46 § 6: 69-59 § 1, 1969).

716-4.604 Plans and specifications—Contents.

Plans and specifications shall contain:

(a) A vicinity sketch or other means of adequately indicating the site location;

(b) Boundary lines of the site;

(c) Each lot or parcel of land into which the site is proposed to be divided;

(d) The location of any existing buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on adjacent land which may be affected by the proposed work;

(e) Accurate contours showing the topography of the existing ground; and

(f) Sufficient information to demonstrate compliance with Chapters 816-4 and 816-6 (tree preservation).

(Ords. 99-46 § 6: 69-59 § 1, 1969).

716-4.606 Plans and specifications—Requirements.

Plans and specifications shall also show:

(a) All of the proposed uses of the site and, if the site is to be divided, the proposed use of each lot or parcel of land;

(b) Elevations, location, extent and slope of all proposed grading shown by contours, cross-sections or other means and location of any rock disposal areas, buttress fills or other special features to be included in the work;

(c) Detailed plans of all drainage systems and facilities, walls, cribbing, or other erosion protection devices to be constructed in connection with, or as a part of the proposed work, together with a map showing the draining area and estimated runoff of the area served by any drainage systems or facilities.

(Ords. 99-46 § 6: 69-59 § 1, 1969).

716-4.608 Plans and specifications—Statements required.

Plans and specifications shall also contain:

(a) A statement of the quantities of material to be excavated and/or filled and the amount of such material to the imported to, or exported from the site;

(b) A statement of the estimated starting and completion dates for work covered by the permit;

(c) A promise signed by the owner, or the owner's authorized agent, that a civil engineer, soil engineer and/or engineering geologist will be employed to give technical supervision or make inspections of the work, whenever approval of the plans and issuance of the permit is to be based on the condition that such professional person be so employed;

(d) Routes of travel to be used for trucks hauling material to and from the site;

(e) Hours and days of work approved by the county building official, the zoning administrator, or the appropriate governing body.

(Ords. 99-46 § 6: 69-59 § 1, 1969).

Article 716-4.8. Reports

716-4.802 Reports—Engineering geological.

The county building official may require an engineering geologist's investigation and report, based on the most recent plan. The engineering geological report shall include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

(Ords. 99-46 § 7: 69-59 § 1, 1969).

716-4.804 Reports—Soil.

(a) The county building official may require a soil investigation and report based on the most recent plan.

(b) The preliminary soil report shall be prepared by a soil engineer based upon adequate test borings or excavations. The report shall indicate the presence of critically expansive soils, or other soils problems, which if not corrected would lead to defects in structures, buildings or other improvements; and when it so indicates, it shall further report on an investigation of each lot of the development including recommended corrective action which is likely to prevent such defects or damage to each building, structure or improvement to be constructed.

(c) The preliminary soil report shall also contain:

(1) Reports on the suitability of the earth material for construction of stable embankments and excavation slopes, including those necessary for any artificial or natural drainage channels;

(2) Recommendations for construction procedures to obtain required stability;

(3) Maximum design velocities for any natural or artificial drainage channel; and

(4) Any other recommendations concerning slides, unstable soil conditions, springs and seepage conditions, erosion control planting, or drainage facilities to enable proper development of the site.

(d) The preliminary soil report shall be prepared on eight and one-half-inch (two hundred ten millimeters) by eleven-inch (two hundred ninety-seven millimeters) paper of durable quality and any maps or documents which accompany the report shall be of a convenient size and scale to fold to eight and one-half-inch (two hundred ten millimeters) by eleven inches (two hundred ninety-seven millimeters).

(Ords. 99-46 § 7: 69-59 § 1, 1969.)

716-4.806 Reports—Review.

All reports shall be subject to review by the county building official. Supplemental reports and data may be required as may be deemed necessary. Recommendations included in the reports and approved by the building official shall be incorporated in the development plan or specifications.

(Ords. 99-46 § 7: 69-59 § 1, 1969).

Article 716-4.10. Fees

716-4.1002 Fees—Generally.

The applicant shall pay the county building official the fees set forth in Sections 716-4.1006—716-4.1016 on applying for a permit.

(Ords. 99-46 § 8: 69-59 § 1, 1969).

716-4.1006 Fees—Permit.

A permit fee is payable on issuance of a permit, in an amount set by fee schedule adopted by the board of supervisors. Additional permit fees may be payable for retaining walls, cribbing, drainage facilities and structures, off-site transportation, and hauling.

(Ords. 99-46 § 8: 69-59 § 1, 1969).

716-4.1010 Fees—Permit transfer.

A permit transfer fee of ten dollars is payable when transfer of the permit is approved by the county building official (Ords. 99-46 § 8: 69-59 § 1, 1969).

716-4.1012 Fees—Penalty.

Where work for which a permit is required by this division is started or proceeded with, prior to issuance of a permit, and a "Notice to Cease Work" or "Notice to Comply" (NTC) has been issued, an additional fee equal to one hundred (100) percent of the total permit fee, shall be paid at the time of application.

(Ords. 99-46 § 8: 69-59 § 1, 1969).

716-4.1014 Fees—Site investigation and evaluation.

A site investigation and evaluation fee of thirty dollars shall be paid when a site investigation and evaluation is requested prior to application for a grading and/or building permit.

(Ords. 99-46 § 8: 83-59 § 1, 1993).

716-4.1016 Fees—Refunds.

(a) Filing fees, permit transfer fees, penalty fees and site investigation fees shall not be refunded.

(b) In cases of a reduction of planned work, the approval of an amended permit therefor by the county building official, and satisfactory completion of the work covered by the permit, the permittee may apply to the county building official within thirty days after issuance of the certificate of completion for a refund of that portion of the permit fee which would not have been required for a permit based on the revised cost of the work in the amended permit.

(Ords. 99-46 § 8: 69-59 § 1, 1969).

Article 716-4.12. Performance Bond

716-4.1202 Performance bond—Required.*

If the county building official determines that the proposed work involves more than fifty thousand cubic yards (thirty-eighty thousand two hundred thirty cubic meters) and will not be completed before the rainfall months, or that the nature of the proposed work is such that if left incomplete it will interfere with any natural or artificial drainage or will endanger adjoining property or a street, or will create a hazard to human life or any

property or street, the owner shall furnish a bond, whether cash or corporate surety bond at the owner'soption (but five hundred dollars of every bond must be in cash), in a form approved by the county counsel or an instrument or instruments of credit approved by the county counsel from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment on demand and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

(Ords. 99-46 § 9: 69-59 § 1, 1969).

* For county counsel, see Ch. 24-12.

716-4.1204 Performance bond—Amount.

(a) The amount of bond shall be based upon the number of cubic yards (cubic meters) of material in either excavation or fill, whichever is greater, plus the cost of all drainage and other protective devices or work necessary to eliminate geological hazards. That portion of the bond valuation based on the volume of material in either excavation or fill shall be computed as set forth in the following table:

Ten thousand cubic yards (seven thousand six hundred forty-six cubic meters) or less, one hundred percent of the estimated cost of grading work;

Over ten thousand cubic yards (seven thousand six hundred forty-six cubic meters), one hundred percent of the cost of the first ten thousand cubic yards (seven thousand six hundred forty-six cubic meters), plus fifty percent of that portion in excess of ten thousand cubic yards (seven thousand six hundred forty-six cubic meters).

(b) When the rough grading has been completed in conformance with the requirements of this code, the county building official may, exercising sound discretion, consent to a proportionate reduction of the bond to an amount estimated to be adequate to insure completion of the grading work, site development or planting remaining to be performed. The costs referred to in this section shall be as estimated by the county building official.

(Ords. 99-46 § 9: 69-59 § 1, 1969).

716-4.1206 Performance bond—Conditions.

Every bond shall include the conditions that the principal shall comply with all the provisions of this code, applicable laws and regulations, and all of the terms and conditions of the permit; but no extension of time under the permit shall release the surety upon the bond.

(Ords. 99-46 § 9: 69-59 § 1, 1969).

716-4.1208 Performance bond—Term.

The term of each bond shall begin on the date of its posting and shall end on the satisfactory completion of the terms and conditions of the permit as evidenced by a certificate of completion, a copy of which will be sent to any surety on request.

(Ords. 99-46 § 9: 69-59 § 1, 1969).

716-4.1210 Performance bond—Notice of default.

Whenever the county building official finds that a default has occurred in the performance of any term or condition of any permit, the county building official shall give written notice thereof to the principal and surety on the bond, stating the work to be done to achieve a safe and satisfactory condition, its estimated cost, and the period of time deemed reasonably necessary to complete the work.

(Ords. 99-46 § 9: 69-59 § 1, 1969).

716-4.1212 Performance bond—Duty of surety.

After receiving a notice of default, the surety shall have the required work performed within the time specified in the notice.

(Ords. 99-46 § 9: 69-59 § 1, 1969).

716-4.1214 Performance bond—Disposition of cash bond.

If a cash bond has been posted and the notice of default has been given to the principal, and if the principal does not comply with the notice within the specified time, the building official may use the deposited cash to have the required work done, by contract or other means discretionary with the county building official the balance, if any, of the deposit shall be returned to the depositor when the work is complete, after deducting the cost of the work.

(Ords. 99-46 § 9: 69-59 § 1, 1969).

716-4.1216 Performance bond—Right of entry of county building official.

(a) If the county building official finds that a default has occurred in the performance of any term or condition of the permit, the surety or the county building official or any person employed or engaged on behalf of either shall have the right to go on the site to complete the required work or make it safe.

(b) No person shall interfere with or obstruct the ingress or egress to or from the site by any authorized representative or agent of any surety or of the county engaged in completing the work required under the permit or in complying with the terms or conditions of the permit.

(Ords. 99-46 § 9: 69-59 § 1, 1969).

Article 716-4.14. Additional Requirements

716-4.1402 Plan checking.

On receiving a properly completed application and accompanying plans, other data, and twenty-five percent of the total fees, the building official shall review the application and plans and make the field review to determine site conditions; and within ten working days of such receipt shall notify the applicant of the approval or denial of the permit.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1404 Limitation by application.

The issuance of a permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit, or on the development plans and specifications approved by the county building official.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1406 Jurisdiction of other agencies.

Grading permits do not relieve the owner of the responsibility of securing permits or licenses that may be required from other departments or divisions of the governing agencies.

(Ords. 99- 46 § 10: 69-59 § 1, 1969).

716-4.1408 Time limits.

The permittee shall fully perform and complete all of the work required to be done pursuant to the permit within the time limit specified therein or, if no time is so specified, within one year after the date of issuance of the permit.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1410 Approval conditions.

Approval of permits shall be made subject to the appropriate conditions or reservations required to protect public health, safety, and general welfare, including, but not limited to the following:

(a) Completion of the work within a period approved by the county building official;

(b) Cleaning up the area and planting in accordance with approved plans;

(c) Designation of the area in which work may be done;

(d) Designation of the slope of excavation or filling, or the grade and elevation of excavation or filling;

(e) Reasonable provisions for controlling excessive dust;

(f) Hours of operation;

(g) Safety precautions to guide pedestrian and vehicular traffic in, around, and by the operation;

(h) Posting of a good and sufficient bond to assure compliance with the conditions;

(i) Other conditions deemed necessary by the county building official and based on accepted engineering practices.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1412 Indemnity clause required.

Every permit shall contain (and shall be deemed to contain) the following provision: Execution of a "hold harmless" clause on the permit, which shall read as follows:

By accepting this permit, the permittee, for themself, the permitee's contractors, and employees, promises to save, indemnify and hold harmless the County of Contra Costa and its employees, agents and representatives from all liabilities and claims for damages by reason in injury or death to any person(s), or damage to property, from any cause whatsoever while in, upon or in any way connected with the work covered by this grading permit, and does further promise to defend these indemnitee in any claim or action arising out of or as a result of the work done under this permit.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1414 Approval of application.

(a) Applications in which the design meets the requirements of this division and the construction is deemed not detrimental to adjoining properties or to the public interest shall be approved. When all fees and bonds are posted, a permit shall be issued, and the approval and issuance shall be noted on the application and plans.

(b) Applications and plans found inadequate or not in compliance with these regulations shall not be approved until revised to conform to the conditions and regulations prescribed under this division.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1416 Rejection of application.

(a) Hazards. The county building official shall not issue a permit in any case where it is found that the work as proposed by the applicant is likely to adversely affect the stability of adjoining property or result in the deposition of debris on any public way or interfere with any existing drainage course or be in an area determined to be subject to geological hazard. If it can be shown to the satisfaction of the county building official that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, a permit may be issued with the condition that such work be performed.

(b) Land Use. The county building official shall not issue a grading permit for work that will not comply with all provisions of Title 8 and any conditions imposed by the planning agency on approval of the use.

(c) Existing Building or Zoning Code Violations. The county building official shall not issue a permit under this title if any building or zoning code violations exist on the site.

(d) Rejection and revisions. Rejection of the application or plans shall be considered a denial of the permit. However, denial of a permit based on insufficient or inadequate plans shall not preclude the applicant from submitting a revised application or revised plans in connection with a pending application.

(e) Expiration and Renewal. Applications shall be considered pending until a grading permit is issued, denied or withdrawn, but an application shall expire ninety days from the date of its filing. An expired application may be renewed or a new application filed on payment of a new filing fee.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1418 Consent of adjacent property owners.

Whenever any portion of the work requires entry onto adjacent property for any reason, the permit applicant shall obtain the written consent of the adjacent property owner or the adjacent property owner's authorized representative, and shall file a copy of the consent with the county building official before a permit for such work may be issued.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1420 Job plans.

When an application is approved and a permit issued, one set of plans and accompanying documents shall be clearly marked as reviewed and shall be returned to the applicant. This set shall be kept available for reference at the job site during grading and construction. The applicant may furnish additional sets of plans and documents for notation as reviewed for return to the applicant for use.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1422 Posting required.

The permit shall be posted securely in a conspicuous location on the site.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1424 Amendment.

(a) All changes in the plans, grades, or extent of work shall be submitted to the county building official for written approval and incorporation into the permit, accompanied by any necessary fees, before any change in the approved work is begun. The county building official may amend the permit to approve altered plans, or may deny approval of the changes.

(b) Failure to obtain prior approval for any change in the work shall be cause for the county building official to order suspension of all work until approval is obtained, and may result in revocation of the permit if the county building official deems the changes will increase the hazard to adjoining properties or public roads, or otherwise be detrimental to public welfare.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1426 Time extension.

Before the expiration of a permit, the applicant may apply for an extension of time in which to complete the work. One extension of time may be granted by the county building official if it is determined that the public welfare is not impaired. The extension shall be for a period the county building official deems appropriate, but not longer than one year. Denial of an extension shall not preclude the permittee from applying for a new permit for the balance of the work, subject to conditions the building official deems appropriate. The applicant shall file the surety's written consent to any extension of time before approval is effective.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1428 Transfer.

(a) Any transfer of a permit from the permittee to another person shall be ineffective and void unless approved by the county building official.

(b) The transferee shall agree to comply with the requirements and conditions of the original permit and to any modification thereof that may be required because of changes in the condition of the site or change in plans since the permit was issued. The transferee shall furnish the required sureties before the transfer of the permit will be approved.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1430 Suspension and revocation.

(a) Grounds. A permit may be either suspended or revoked if the county building official finds that:

(1) Conditions at the site vary appreciably from those shown and stated in the application and development plans;

(2) Grading or construction does not conform to the approved plans, grades or other conditions of the permit;

(3) Cessation of work before completion has left the site in a condition hazardous to the public or to the adjacent properties, and the permittee has not complied with reasonable requirements for completion of the work within the time specified in the permit or an approved extension of time;

(4) The permittee does not comply with reasonable requirements to safeguard the workmen, the public, or other persons acting in a lawful manner, during grading or construction operations;

(5) In transporting materials or in the operation of equipment the applicant causes materials or litter to encroach, obstruct, or be deposited on pavement or in drainage channels within the public right-of-way, or causes unauthorized obstruction or diversion of drainage channels within the site area; or

(6) Failure to have a qualified inspector working under the soil engineer on the site during grading or construction when required.

(b) Procedure. The county building official shall suspend or revoke a permit by making a written finding and order; and may seize the permit and/or make appropriate notations on it of the suspension or revocation. Upon the written order of the building official, any suspended permit may be either reinstated or revoked.

(c) Effect of Revocation. Whenever a permit has been revoked, work on the site shall not begin again until a new application incorporating the necessary revisions in plans or methods of operation required to fulfill the intent of this division and in accordance with these regulations, has been approved by the county building official.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

716-4.1432 Notice of stop work.

On issuance of a written notice to cease work, the permittee shall immediately cause all grading and hauling connected therewith to cease until written permission is received from the county building official allowing the permittee to proceed after correcting the objectionable conditions or operations to eliminate the hazard or encroachment and to prevent recurrence of the situation.

(Ords. 99-46 § 10: 69-59 § 1, 1969).

Chapter 716-6 CONTROL OF WORK

716-6.002 County inspection.

The county building official and other authorized county representatives may, with the consent of the owner or permittee or as allowed by the terms of the permit, enter the site at all times to inspect its condition and the methods of operation and to check or test any feature or operation involved in fulfilling the conditions of the permit.

(Ords. 99-46 § 11:69-59 § 1, 1969).

716-6.004 Supervised or regular development work defined.

All work involving a fill intended to support structures, or grading where the county building official determines special conditions or unusual construction hazards exist, shall be performed under the inspection of a civil engineer and/or soil engineer and shall be designated "supervised development work." Work other than supervised development shall be designated "regular development work."

(Priors. 99-46 § 11:69-59 § 1, 1969).

716-6.006 Regular development requirements.

(a) The county building official, upon notification from the permittee or the permittee's agent, shall inspect the work at the following stages of the work and shall either approve the portion then completed or shall notify the permittee or the permittee's agent wherein it fails to comply with the requirements of this division:

  (1) Initial. When the site has been cleared of vegetation and unapproved fill and has been scarified, benched or otherwise prepared and before any fill is placed;

  (2) Rough. When rough grading has been completed and approximate final elevations have been established; drainage terraces, swales and other drainage devices graded ready for paving; and berms installed at the top of slopes;

  (3) Final. When work has been completed, all drainage devices, systems and facilities installed and slope planting established.

(b) In addition to the called inspections specified above, the county building official may:

  (1) Make such other inspections as deemed necessary to determine that the work is being performed in compliance with the requirements of this division; and

  (2) Require investigations and reports by a soil engineer and/or engineering geologist.

(Ords. 99-46 § 11: 69-59 § 1, 1969).

716-6.008 Supervised development requirements.

(a) It shall be the responsibility of the soil engineer and/or civil engineer to inspect the operations and provide qualified full-time inspection, to assure compliance of the work with the approved development plans and with the requirements of this division. Periodic progress report shall be submitted as required by the building official and shall certify in writing to the satisfactory completion of work specified in Section 716-6.006.

(b) The soil engineer shall submit compaction data and soil engineering recommendations made during the development operation to the county building official.

(c) The civil engineer shall submit inspection reports regarding drainage facilities, lot drainage, finish grades, to the building official.

(d) The engineering geologist shall submit inspection reports regarding geological conditions to the building official.

(Ords. 99-46 § 11: 69-59 § 1, 1969).

716-6.010 Notification of noncompliance.

If the soil or civil engineer finds that the work is not in conformance with this division or with the plans approved by the county building official, or with good accepted practices, the soil or civil engineer shall immediately notify the permittee and the building official in writing of the nonconformity and of the corrective measures to be taken.

(Ords. 99-46 § 11: 69-59 § 1, 1969).

716-6.012 Termination of services.

If the civil engineer or the soil engineer or the geologist is relieved of or otherwise terminates their duties prior to completion of the work shown on the grading plans, the civil engineer or the soil engineer or the geologist shall report the fact in writing to the county building official within forty-eight hours with a report on the status of the work.

(Ords. 99-46 § 11: 69-59 § 1, 1969).

716-6.014 Safety precautions.

In addition to the requirements of the permit, the permittee shall comply with all laws, ordinances and regulations of the state and county, and regulations of the State Department of Industrial Relations, Industrial Accident Commission, relating to the character of the work, equipment, and labor personnel involved in the project.

(Ords. 99-46 § 11:69-59 § 1, 1969).

716-6.016 Cessation of work.

If the applicant ceases work for any reason before the work is completed, the applicant shall take all necessary steps to leave the premises in a condition that will be safe and will not cause damage to adjoining properties or to the public roads or to any natural or artificial drainage facilities through erosion of materials, landslides, or other instability of slopes and materials.

(Ords. 99-46 § 11: 69-59 § 1, 1969).

716-6.018 Completion of work.

The county building official shall issue a certificate of completion upon satisfactory completion of work under an approved permit.

(Ords. 99-46 § 11: 69-59 § 1, 1969).

Chapter 716-8 REGULATIONS

Article 716-8.2. Excavations

716-8.202 Excavations—Maximum slope.

Cuts shall not be steeper in slope than one vertical to two horizontal unless the applicant furnishes a soil

engineering or an engineering geology report, or both, certifying that the site has been investigated and giving an

opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. The county building official may require the excavation to be made with a cut face flatter in slope than one vertical to two horizontal if it is found to be necessary for stability and safety.

(Ords. 99-46 § 12: 69-59 § 1, 1969).

716-8.204 Excavations—Drainage terraces.

Cut slopes exceeding forty feet in vertical height shall have drainage terraces not less than five feet (1.524 meters) in width, measured from the outer edge of the terrace to the invert of the drain, at vertical intervals not exceeding thirty feet (9.144 meters) except that where only one such terrace is required it shall be located at mid-height. For cut slopes exceeding one hundred feet (30.48 meters) in vertical height, the drainage terrace near mid-height shall be not less than twelve feet (3.657 meters) in width. Design and construction of drainage terraces shall conform to the requirements of Sections 716-8.602—716-8.614.

(Ords. 99-46 § 12: 69-59 § 1, 1969).

716-8.206 Excavations—Conformance to existing terrain.

Cut slopes shall be rounded off at the top and toe to blend and conform to existing terrain.

(Ords. 99-46 § 12: 69-59 § 1, 1969).

716-8.208 Excavations—Variations.

Variations from the regulations in Sections 716-8.202—716-8.206 may be allowed by the county building official if they will provide equivalent safety, stability, and protection against erosion, as recommended by a soil engineer or engineering geologist.

(Ords. 99-46 § 12: 69-59 § 1, 1969).

Article 716-8.4. Fills

716-8.402 Fills—Compaction.

Except as provided below, all fills shall be compacted throughout their full extent to a minimum of ninety percent of maximum density. Field density shall be determined by a method acceptable to the building official (Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.404 Fills—Special compaction.

Compaction may be reduced to eighty-five percent of maximum density, as determined by the above test, within the outer eight inches (203.3 millimeters) of fill slope surfaces when such compaction is provided by grid rolling or equivalent means.

(Ords. 99- 46 § 13: 69-59 § 1, 1969).

716-8.406 Fills—Nonstructural.

Fills not intended to support structures, subdivision streets or improvements need not be compacted to these standards if the county building official determines that such compaction is unnecessary as a safety measure. In making this determination, the county building official may require that an investigation be made by an approved soil testing agency to establish the characteristics of the soil, the amount of settlement to be expected and the susceptibility of the soil to erosion or slippage.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.408 Fills—Planted slopes.

Slope surfaces may be prepared for planting by scarifying, by addition of top soil, or by other methods, if such loose material does not exceed a depth of three inches (76.2 millimeters) and said slopes otherwise comply with the requirements of Sections 716-8.402—716-8.424.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.410 Fills—Preparation of ground.

The natural ground surface shall be prepared to receive fill by removing vegetation or other incompetent material. Where the slope of the natural grade is one vertical to five horizontal or steeper, the fill shall be supported on benches cut into competent material.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.412 Fills—Slope.

Compacted fill shall not create an exposed slope surface steeper than one vertical to two horizontal. The county building official may require a flatter slope if necessary for stability and safety. Slopes of fills which are not compacted in accordance with Sections 716-8.402— 716-8.408 shall not exceed three horizontal to one vertical.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.414 Fills—Material.

No organic or other reducible material shall be incorporated in fills. Except as recommended by the soil engineer and approved by the county building official no rock or similar irreducible material with a maximum dimension greater than eight inches (203.2 millimeters) shall be buried or placed within forty-eight inches (249.4 millimeters) of finish grade.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.416 Fills—Drainage terraces.

Fill slopes exceeding thirty feet (9.144 meters) in vertical height shall have drainage terraces not less than five feet (1.524 meters) in width, measured from the outer edge of the terrace to the invert of the drain, at vertical intervals not exceeding twenty-five feet (7.62 meters) except that where only one such terrace is required it shall be located at mid-height. For fill slopes exceeding one hundred feet (34.8 meters) in vertical height, the drainage

terrace near mid-height shall be not less than twelve feet (3.6578 meters) in width. Design and construction of drainage terraces shall conform to the requirements of Sections 716-8.602—716-8.614.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.418 Fills—Slopes to receive fill.

Where fill is to be placed above the top of an existing or proposed cut or natural slope steeper than one vertical to three horizontal, the toe of the fill shall be set back from the top edge of the slope a minimum distance of six feet, (1.829 meters) measured horizontally or such other distance as may be specifically recommended by a soil engineer or engineering geologist and approved by the county building official. Fills shall not toe out on slopes steeper than one vertical to three horizontal.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.420 Fills—Conformance to existing terrain.

Fill slopes shall be tapered into the existing terrain at the toe and shall be rounded off at the top.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.422 Fills—Slope location and setbacks.

(a) The property line of any proposed or existing site or parcel located within the grading project shall be located at the top of the slope or along any slope drainage terrace.

(b) Excavation and fill slopes shall be set back a minimum of three feet (0.914 meters) plus one-fifth the vertical height of the slope from the project boundary line with a maximum of ten feet (3.048 meters).

(c) Buildings and structures shall be set back from excavation or fill slopes a minimum of four feet (1.219 meters) plus one-fifth the vertical height of the slope, with a maximum of ten feet (3.048 meters).

(Ords. 99-46 § 13: 69-59 § 1, 1969).

716-8.424 Fills—Variations.

Variations from the regulations in Sections 716-8.402—716-8.422 may be allowed by the county building official if they will provide equivalent safety, stability, and protection against erosion, as recommended by a soil engineer or engineering geologist.

(Ords. 99-46 § 13: 69-59 § 1, 1969).

Article 716-8.6. Drainage

716-8.602 Drainage—General.*

Storm drainage structures, systems and facilities shall be provided as required by the county building official and in accordance with standard specifications on file in the building inspection department. Design shall be in accordance with recognized principles of hydraulics.

(Ords. 99-46 § 14: 69-59 § 1, 1969).

* For drainage permits, see Ch. 1010-8.

716-8.604 Drainage—Disposal.

All drainage facilities shall be designed to carry surface waters to the nearest practical street, storm drain, or natural watercourse, approved by the county building official as a safe place to discharge such waters. If the drainage device discharges onto natural ground, rip-rap or a similar energy dissipator may be required.

(Ords. 99-46 § 14: 69-59 § 1, 1969).

716-8.606 Drainage—Site drainage.

Graded building sites (building pads) shall have a minimum slope of two percent towards a public street or drainage facility approved to receive storm waters. A lesser slope may be approved by the county building official for sites graded in relatively flat terrain, or where special drainage provisions are made, when it is found that such modification will not result in unfavorable drainage conditions.

(Ords. 99-46 § 14: 69-59 § 1, 1969).

716-8.608 Drainage—Terrace.

(a) All swales or ditches on drainage terraces shall have a uniform longitudinal grade of not less than one percent nor more than three percent and a minimum depth of one foot (0.305 meters) at the deepest part. Such terraces shall drain into a paved gutter, pipe or approved watercourse adequate to convey the water to a safe disposal area.

(b) The drainage terrace shall be provided with a lined ditch, if required by the soil engineer for stability or prevention of erosion: The lined ditch shall be constructed with a five percent minimum slope to provide self cleaning.

(Ords. 99-46 § 14: 69-59 § 1, 1969).

716-8.610 Drainage—Overflow protection.

Berms, swales or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from flowing over or onto, and damaging the face of the slope. Special drainage provisions shall be made where a building or structure exists within five feet (1.524 meters) of the top of a slope.

(Ords. 99-46 § 14: 69-59 § 1, 1969).

716-8.612 Drainage—Maintenance.

The permittee and/or owner shall maintain drainage facilities, in conformance with the requirements of this division, during and after construction.

(Ords. 99-46 § 14: 69-59 § 1, 1969).

716-8.614 Drainage—Variations.

Variations from the regulations in Sections 716-8.602—716-8.612 may be allowed by the county building official if they will provide equivalent safety, stability, and protection against erosion, as recommended by a one vertical to three horizontal soil engineer or engineering geologist and recommended by the county flood control district.

(Ords. 99-46 § 14: 69-59 § 1, 1969).

Article 716-8.8. Erosion Control Planting

716-8.802 Erosion control planting—Cut slopes.

The surface of all erodible cut slopes more than five feet in height and fill slopes more than three feet in height shall be protected against erosion by planting with grass or ground cover plants. The plants and planting methods shall be suitable for the soil and climatic conditions of the site and in accordance with standard specifications on file in the county building inspection department.

(Ord. 69-59 § 1, 1969).

716-8.804 Erosion control planting—Approval.

The planting shall be installed after rough grading. Final approval of the work shall be made when growth is established on the slopes.

(Ord. 69-59 § 1, 1969).

716-8.806 Erosion control planting—Variations.

Variations from the regulations in Sections 716-8.802—716-8.806 may be allowed by the building official if they will provide equivalent safety, stability, and protection against erosion, as recommended by a soil engineer or engineering geologist.

(Ord. 69-5 9 § 1, 1969).

Article 716-8.10. Miscellaneous Provisions

716-8.1002 Work during rainfall months.

Excavation, grading or construction of fills may be prohibited by the county building official during the months in which it is foundthat rainfall will likely preclude compliance with these requirements.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

716-8.1004 Work hours.

If operations under the permit are within five hundred feet (152.4 meters) of residential or commercial occupancies, except as otherwise provided by conditions of approval for the project, grading operations shall be limited to weekdays and to the hours, between seven-thirty a.m. and five-thirty p.m., except that maintenance and service work on equipment may be performed at any time.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

716-8.1006 Encroachments on rights-of-way.

Encroachment of operations on public rights-of-way without an encroachment permit from the governing body is prohibited except for hauling of legal loads by vehicles permitted by law to operate on public roads.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

716-8.1008 Nuisances.

Operations shall be controlled to prevent nuisances to public and private ownerships because of dust, drainage, removal of natural support of land and structures, encroachment, noise, and/or vibration.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

716-8.1010 Explosives.

Blasting or other use of explosives shall be conducted in accordance with regulations by the board of supervisors, the state fire marshal, and local fire authorities.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

716-8.1012 Responsibility of permittee.

(a) Compliance With Plans and This Division. The permittee, the permittee's agent, contractor or employee, shall carry out the proposed work only in accordance with the approved plans and specifications and in compliance with all the requirements of this division.

(b) Inspections. In performing regular development work it shall be the responsibility of the permittee to notify the county building official at least one working day in advance so that the inspections required by Sections 716-6.002—716-6.012 can be made.

(c) Protection of Utilities. During grading operations the permittee shall be responsible for the prevention of damage to any public utilities or services.

(d) Temporary Erosion Control. The permittee shall effect and maintain precautionary measures necessary to protect adjacent watercourses and public or private property from damage by erosion, flooding, and deposition of mud or debris originating from the side.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

716-8.1014 Reports required—Final approval.

The county building official may require the following reports, and shall not finally approve any development or work until all required maps and reports have been submitted and approved:

(a) A final report by the civil engineer certifying that all grading, lot drainage and drainage facilities have been completed and the slope planning installed in conformance with the approved plans and the requirements of this code with a final contour map if the work is not in substantial conformity with the approved plans;

(b) A report by the soil engineer including the recommended soil bearing capacity, a statement as to the expansive qualities of the soil, and summaries of field and laboratory tests. The location of such tests and the limits of the compacted fill shall be shown on a final plan which shall also show by plan and cross-section the location of any subdrains, rock disposal areas and/or buttress fills involved in the work:

(c) An engineering geologist's report based on the final contour map including specific approval of the grading as affected by geological factors. The report shall include a revised geologic map and cross-sections, with recommendations regarding the location of buildings or sewage disposal systems.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

716-8.1016 Evaluation of existing fill.

The county building official may require the submission of a preliminary soil investigation report and/or engineering geological report before issuing a building permit for a structure to be placed on any fill or embankment constructed before August 11, 1969, or excepted from the requirement for a grading permit, or on any other lot or parcel on which critically expansive soils, slide conditions, or other soils or geologic hazards exist or may reasonably be anticipated to exist. If the county building official determines that the action recommended in this report is likely to prevent structural damage to the proposed structure, the county building official shall approve the report and the recommended action contained in the report shall become a part of the required construction as a condition of the permit.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

716-8.1018 Site evaluation and investigation.

(a) The county building official may conduct a field investigation and site evaluation of a lot or parcel prior to application for a grading and/or building permit if the owner submits a written request and the fee required by Section 716-4.1014.

(b) The investigation shall determine what information, engineering data or plans will be required to be submitted with the application for grading and/or building permits and under what conditions the permits would be issued.

(c) No fees or written request will be necessary after an application for a building and/or grading permit has been accepted or if the county building official initiates the field investigation.

(Ords. 99-46 § 15: 69-59 § 1, 1969).

Division 718 MISCELLANEOUS PROVISIONS

Chapter 718-2 WIND ENERGY CONVERSION SYSTEMS

Sections:

718-2.202 Permit—Required.

A land use permit is required to establish or expand a wind energy conversion system, as defined in Section 88-3.206 of this code.

(Ord. 85-39 § 2).

Chapter 718-8 GAS SHUT-OFF DEVICES

Sections:

718-8.202 Definitions.

For the purpose of this chapter, certain terms shall be defined as follows:

(a) "Downstream of gas utility meter" refers to all customer owned gas piping.

(b) "Residential building" means any single family dwelling, duplex, multi-family dwelling, apartment building, condominium building, townhouse building, lodging house, congregate residence, hotel, or motel.

(c) "Excess flow gas-shut-off device" means those valves or devices that are not actuated by motion, but are activated by significant gas leaks or overpressure surges, which can occur when pipes rupture inside the structure. The design of the device shall provide a proven method to provide automatically for expedient and safe gas shutoff in an emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner. The device shall be certified by the State Architect or the operational and functional design of the device shall meet or exceed the device certified by the Office of the State Architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the State Architect may be made by one of the following: the Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), or other recognized listing and testing agency.

(d) "Seismic gas-shut-off device" means a system consisting of a seismic sensing means and actuating means designed to actuate automatically a companion gas shut off means installed in a gas piping system in order to shut off the gas downstream of the location of the gas shutoff means in the event of a severe seismic disturbance. The system may consist of separable components or may incorporate all functions in a single body. The device shall be certified by the State Architect and the operational and functional design of the device shall meet or exceed the device certified by the Office of the State Architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the State Architect may be made by one of the following: the Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), or other recognized listing and testing agency.

(e) "Upstream of gas utility meter" refers to all gas piping installed by the utility up to and including the meter and the utility's bypass tee at the connection to the customer owned piping.

(f) "Gas shut-off device," as used in this chapter, refers to either a seismic gas shut-off device or excess flow gas-shut-off device.

(Ord. 2000-11, § 2).

718-8.204 Scope.

An approved seismic gas shut-off device (motion sensitive) or an approved excess flow gas shut-off device (non-motion sensitive) must be installed downstream of the gas utility meter at the beginning of each rigid gas piping system that serves any of the following buildings and structures:

(a) Any new building construction (commercial, industrial or residential) containing fuel gas piping for which a building permit is first issued on or after the effective date of the ordinance codified in this section.

(b) Any existing residential building that is altered or added to, where all of the following conditions exist:

(1) The building has fuel gas piping supplying the existing building or the addition to the building; and

(2) A building permit for the work is first issued on or after the effective date of the ordinance codified in this section; and

(3) The value of the alteration or addition work is either more than five thousand dollars where fuel gas piping is involved in the alteration or addition, or more than fifteen thousand dollars where fuel gas piping is not involved in the alteration or addition; and

(4) If the alteration or addition is to an individual condominium or apartment unit, an approved gas shut-off device must be installed downstream of the meter on the gas piping serving the unit that is altered or added to.

(c) Any existing commercial or industrial building that is altered or added to, where all of the following conditions exist:

(1) The building has fuel gas piping supplying the existing building or the addition to the building; and

(2) A building permit for the work is first issued on or after the effective date of the ordinance codified in this section; and

(3) The value of the alteration or addition work is either more than five thousand dollars where fuel gas piping is involved in the alteration or addition, or more than fifteen thousand dollars where fuel gas piping is not involved in the alteration or addition; and

(4) If the alteration or addition is to an individual unit or tenant space, an approved gas shut-off device must be installed downstream of the meter on the gas piping serving the unit or tenant space that is altered or added to.

(d) Any existing residential, commercial, or industrial building that has fuel gas piping supplying the building and the building is sold on or after December 1, 2006. The device must be installed before the parties to the sale enter into an agreement for sale, or before the close of escrow when an escrow agreement has been executed in connection with the sale. If an individual condominium unit in a building is sold, an approved gas shut-off device must only be installed downstream of the meter on the gas piping serving that individual condominium unit.

(Ords. 2006-44 § 2, 2004-27 § 2, 2000-11 § 2).

(Ord. No. 2010-01, § II, 2-9-10)

718-8.206 Exceptions.

(a) Gas shut-off devices are not required to be installed downstream of the gas utility meter where gas shut-off devices have been installed by the gas utility or a contractor authorized by the gas utility upstream of the gas utility meter and downstream of the meter service regulator and the installations are in accordance with the ordinance codified in this chapter and with the manufacturer's specifications.

(b) Gas shut-off devices installed on a building before the effective date of the ordinance codified in this chapter are exempt from the requirements of this section provided they remain installed on the building or structure and are maintained for the life of the building or structure.

(c) Gas shut-off devices installed on a gas distribution system owned or operated by a public utility are not subject to the requirements of this chapter (Health and Safety Code Section 19201 (b)).

(d) This chapter does not apply to mechanical or process equipment used in manufacturing.

(e) The ordinance codified in this chapter does not apply to gas shut-off devices installed within gas lines (Health and Safety Code Section 19204).

(Ords. 2004-27 § 3, 2000-11 § 2).

718-8.208 General requirements.

Gas-shut-off devices installed either in compliance with this chapter or voluntarily, with a permit issued on or after the effective date of the ordinance codified in this chapter, shall comply with all of the following requirements:

(a) Be installed by a contractor licensed in the appropriate classification by the state of California and in accordance with the manufacturer's instructions.

(b) In the case of seismic gas-shut-off devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the building inspection department determines that the seismic gas shutoff device (motion sensitive) has been tested and listed for an alternate method of installation.

(c) In the case of seismic gas-shut-off devices (motion sensitive) only, be certified by the state architect and be listed by an approved listing and testing agency such as IAS, IAPMO, UL or the Office of the State Architect. In the case of excess flow gas-shut-off devices only, be certified by the State Architect or be listed by an approved listing and testing agency such as IAS, IAPMO, UL or the Office of the State Architect.

(d) Have a thirty-year warranty which warrants that the valve or device is free from defects and will continue to operate properly for thirty years from the date of installation.

(e) Where gas-shut-off devices are installed voluntarily or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.

(Ord. 2000-11, § 2).

718-8.210 List of approved valves and devices.

The building inspection department shall maintain a list of all seismic gas-shut-off devices (motion sensitive) and excess flow gas-shut-off devices (non-motion sensitive) which meet or exceed the requirements of devices

certified by the Office of the State Architect for installation in the state of California and which comply with the standards and criteria set forth in Health and Safety Code Section 19180 et seq, including quality and design regulation for earthquake actuated automatic gas shutoff systems (see 24 Cal. Code Regs. Ch. 12-16-1).

(Ord. 2000-11, § 2).

718-8.212 Enforcing agency.

The building inspection department shall administer and enforce the provisions of this ordinance.

(Ord. 2000-11, § 2).

Chapter 718-10 WOOD-BURNING APPLIANCES

Sections:

718-10.202 Purpose.

This ordinance is intended to limit and/or reduce particulate emissions caused by the use of wood-burning appliances.

(Ord. 2000-35 § 2).

718-10.204 Scope.

(a) Applicability. This ordinance applies in the unincorporated area to any person who plans to install a new wood-burning appliance or replace an existing wood burning appliance except as set forth in (b) below;

(b) Exemptions:

(1) Gas fireplaces, except when converted to burn wood, such conversion shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of this chapter;

(2) Wood-burning appliances that are designed primarily for food preparation; and

(3) Historic wood-burning appliances as determined by the county building official and the director of the community development department.

(Ord. 2000-35 § 2).

718-10.206 Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

(a) "Approved testing laboratory" means laboratories that have been approved by the E.P.A. or other recognized agencies for the testing of wood burning appliances;

(b) "Catalytic" means a wood burning appliance equipped with a device coated with platinum, palladium or other rare metal located in the combustion chamber of a wood-burning appliance designed to cause relatively complete combustion at lower than normal temperatures;

(c) E.P.A" means United States Environmental Protection Agency;

(d) "E.P.A. certified wood heater" means any wood heater that meets the standards in Title 40, Part 60, Subpart AAA, Code of Federal Regulations in effect at the time of installation and is certified and labeled pursuant to those regulations;

(e) "E.P.A. Phase II Limits" means 7.5 grams particulate per hour for non-catalytic wood-burning appliances or 4.1 grams particulate per hour for catalytic wood burning appliances;

(f) "Fireplace" means any permanently installed masonry or factory-built wood-burning appliance, except a pellet-fueled wood heater, designed to be used with an air-to-fuel ratio greater than or equal to 35 to 1;

(g) "Garbage" means all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solids and semi-solid wastes, and other discarded solid and semi-solid wastes;

(h) "Gas log fireplace" means any device designed to burn natural gas having the appearance of a wooden log and used and vented inside a fireplace;

(i) "Paints" means all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoating, roof coatings, wood preservatives, shellacs, and other paints or paint-like products;

(j) "Paint solvents" means all original solvents sold or used to thin paints or to clean up painting equipment;

(k) "Pellet-fueled wood heater" means any wood heater that operates on wood pellets and is certified by E.P.A. or an approved testing laboratory or emits less than or equal to E.P.A. Phase II limits;

(l) "Replacement of a wood-burning appliance" means removal and reinstallation of a firebox, a fire box liner, or of a fireplace, or additions, alterations or repairs to a wood burning appliance that requires opening up immediately-adjacent walls. It does not include replacement with a permanent gas log fireplace;

(m) "Treated wood" means wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to insects or weathering;

(n) "Waste petroleum products" means any petroleum product other than gaseous fuels that has been refined from crude oil, and has been used, and as a result of use, has been contaminated with physical or chemical impurities;

(o) "Wood burning appliance" means a fireplace, wood heater, or pellet-fueled wood heater or any similar device burning wood or other non-gaseous or non-liquid fuel used for aesthetic or space-heating purposes.

(Ord. 2000-35 § 2).

718-10.208 General requirements.

It shall be unlawful to install or replace any wood-burning appliance, other than pellet fueled wood heaters, unless the wood-burning appliance meets the applicable criteria below:

(a) It has been certified by the EPA or the Northern Sonoma Air Pollution Control District; or

(b) For a masonry fireplace, it has been certified by an EPA-approved wood-burning appliance testing laboratory and approved by the county building official; or

(c) For any other wood-burning appliance, it must meet the following standards:

(1) Emit no more than 7.5 grams particulate matter per hour for a noncatalytic wood-burning appliance or 4.1 grams particulate matter per hour for a catalytic wood burning appliance, or

(2) Be certified by an EPA approved wood-burning appliance testing laboratory and approved by the county building official.

(Ord. 2000-35 § 2).

718-10.210 Prohibited fuels.

No person shall cause or allow the burning of any of the following materials in a wood burning appliance:

(a) Garbage;

(b) Treated wood or wood composition products;

(c) Plastic products;

(d) Rubber products;

(e) Petroleum products, including tar or tar paper;

(f) Paints and paint solvents;

(g) Coal.

(Ord. 2000-35 § 2).

718-10.212 Compliance.

Any person who plans to install a wood-burning appliance must first submit to the county building inspection department documentation demonstrating that the appliance meets the criteria set forth in section 718-10.208. The department's satisfaction regarding compliance with this chapter shall be in writing as part of a building permit or other documentation related to the installation of the wood-burning appliance.

(Ord. 2000- 35 § 2).

718-10.214 Enforcement.

Any person violating any of the provisions of this ordinance shall be subject to civil or criminal prosecution as provided by this code.

(Ord. 2000-35 § 2).

Chapter 718-12 SOLAR ENERGY SYSTEMS

718-12.002 Building permit required.

(a) A building permit is required to install a solar energy system. "Solar energy system," also referred to as an "accessory solar energy facility," has the meaning set forth in section 88-30.206.

(b) An application for a building permit to install a solar energy system will be processed in accordance with Government Code section 65850.5.

(Ord. No. 2020-07, § III, 2-25-20; Ord. No. 2015-13, § II, 7-7-15)

718-12.004 Review of applications for small residential rooftop solar energy systems.

The following expedited, streamlined permitting process applies to applications for a building permit to install a small residential rooftop solar energy system:

(a) Application. The building official will make the following available on the County website: the County's standard building permit application form; and the County's standard small residential rooftop solar energy system plan form and checklist, which will substantially conform to the plan form and checklist in the most current version of the California Solar Permitting Guidebook published by the Governor's Office of Planning and Research. The checklist will include all requirements that a small residential rooftop solar energy system must meet to be eligible for review and approval under this section. An application to install a small residential rooftop solar energy system may be submitted electronically.

(b) Application Review. An application will be deemed complete if the building official determines that the application includes all of the information and documents required by the standard application form, the standard plan form, and the standard checklist. If an application is deemed incomplete, the building official will notify the applicant in writing of the additional information needed to complete the application. After an application is deemed complete, the building official will perform an expedited review of the application and all submittals in substantial conformance with the timeline set forth in the then-current edition of the California Solar Permitting Guidebook published by the Governor's Office of Planning and Research.

(c) Permit Issuance. A building permit will be issued following the building official's approval of an application for a small residential rooftop solar energy system and after all required fees have been paid. If the application was submitted electronically, the permit may be issued electronically.

(d) Inspection and Authorization to Operate. As soon as practicable after the applicant notifies the building official that a small residential rooftop solar energy system has been installed under a building permit, the building official will inspect the system to verify compliance with the building permit. If the building official determines that a system was not installed in compliance with a building permit, the building official will notify the permittee of the actions needed to comply with the building permit and will conduct additional inspections as necessary. No small residential rooftop solar energy system may be operated unless the building official verifies in writing that it complies with the building permit.

(e) For purposes of this section, a "small residential rooftop solar energy system" means a solar energy system that meets all of the following requirements:

(1) The system is no larger than ten kilowatts alternating current nameplate rating, or thirty kilowatts thermal; and

(2) The system, including its installation, conforms to all applicable fire, building, electrical, and other standard codes in this title; and

(3) The system conforms to all applicable requirements of Civil Code Section 714; and

(4) The system is located on a rooftop of a detached single-family dwelling or a duplex; and

(5) The system, when installed on a rooftop, does not exceed the building height limit of the zoning district in which it is located.

(Ord. No. 2015-13, § II, 7-7-15)

718-12.006 Requirements cumulative.

The requirements of this chapter are in addition to any other applicable requirements of this Code, and any requirements of a utility provider, that must be satisfied before a solar energy system may be installed or operated.

(Ord. No. 2015-13, § II, 7-7-15)

Chapter 718-14 ELECTRIC VEHICLE CHARGING STATIONS

718-14.002 Building permit required.

A building permit is required to install an electric vehicle charging station. "Electric vehicle charging station" has the meaning set forth in Government Code Section 65850.7.

(Ord. No. 2019-39, § II, 12-17-19)

718-14.004 Application.

(a) The building official will make the following available on the County website:

(1) The County's standard building permit application form.

(2) The County's standard electric vehicle charging station checklist, which will substantially conform to the checklist in the most current version of the Zero-Emission Vehicles in California: Community Readiness Guidebook published by the Governor's Office of Planning and Research. The checklist will include all requirements that an electric vehicle charging station must meet to be eligible for review and approval under this chapter.

(b) An application to install an electric vehicle charging station may be submitted electronically.

(Ord. No. 2019-39, § II, 12-17-19)

718-14.006 Expedited review of applications.

An application will be deemed complete if the building official determines that the application includes all of the information and documents required by the standard application form and the standard checklist. If an application is deemed incomplete, the building official will notify the applicant in writing of the additional information needed.

(Ord. No.2019-39, § II, 12-17-19)

Division 720 COMMUNITY PRESERVATION

Chapter 720-2 RESIDENTIAL PROPERTY NUISANCES

720-2.002 Findings.

The board finds and declares that it is in the public interest and necessary to protect public health and safety, promote civic pride, and preserve property values, to establish minimum standards for the maintenance of residential real property by prohibiting specified activities and declaring these activities to be public nuisances subject to abatement or enforcement by any lawful means.

(Ords. 2002-46 § 3, 89-49 § 3).

720-2.004 Definitions.

As used in this chapter, the following terms have the following meanings:

(a) "Residential real property" means a lot located in any single-family, two-family, or multiple-family residential district, or in a planned unit district, with a structure intended primarily for residential use located thereon.

(b) "Unreasonable period of time" means a period of time unreasonable considering the totality of the circumstances, but in no event will a time period shorter than seven days be considered unreasonable.

(Ords. 2002-46 § 3, 89-49 § 3).

720-2.006 Residential property nuisance.

No person owning, leasing, renting, occupying or having charge or possession of residential real property shall maintain or allow the maintenance of the property in such a manner that any of the following conditions exist on the property and are visible from a street, highway, or private road:

(a) Attractive nuisances dangerous to children, such as abandoned, broken or neglected equipment, machinery, refrigerators or freezers, or unsafe pools, ponds or excavations;

(b) Shopping carts, household equipment or broken or discarded furniture for an unreasonable period of time;

(c) Garbage or trash cans for more than thirty-six hours;

(d) Boats, trailers, vehicle parts or other articles of personal property that are abandoned or left in a state of partial construction or repair for an unreasonable period of time;

(e) Construction and wood debris, including cuttings, for an unreasonable period of time;

(f) Weeds over eighteen inches in height.

(Ords. 2002-46 § 3, 89-49 § 3).

720-2.008 Nuisance declaration, abatement.

Any residential real property maintained in a condition that violates Section 720-2.006 is declared to be a public nuisance. In addition to any other remedy provided by law, the condition may be abated pursuant to Article 14-6.4.

(Ords. 2002-46 § 3, 89-49 § 3).

Chapter 720-4 REGULATION OF VACANT STRUCTURES

Article 720-4.2. General Provisions

720-4.202 Title.

This chapter is known as the Vacant Structures Ordinance of Contra Costa County.

(Ord. 2002-46 § 3).

720-4.204 Findings.

The board of supervisors finds and declares that vacant structures attract vagrants, gang members and criminals as prime locations to conduct illegal activities; that vacant and improperly secured structures are vulnerable to being set on fire by unauthorized persons; that vacant structures are a blight and cause deterioration and instability in neighborhoods; that vacant structures invite the dumping of garbage and trash; and that vacant structures pose serious threats to the public's health and safety and therefore constitute public nuisances.

(Ord. 2002-46 § 3).

720-4.206 Purpose.

The purpose of this ordinance is to require that vacant dwellings and buildings in the unincorporated areas of the county are properly secured and boarded during temporary periods of vacancy pursuant to a permit, and that dwellings and buildings do not remain vacant and unoccupied for appreciable periods of time.

(Ord. 2002-46 § 3).

720-4.208 Definitions.

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

(a) "Owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property.

(b) "Property" includes tracts, lots, easements, or parcels of land and any and all improvements thereon.

(c) "Unsecured" means a structure where one or more doors, windows, or other openings are broken or missing.

(d) "Vacant Structure" means any building, dwelling, or other structure:

(1) that lacks the habitual presence of persons who have a legal right to be on the premises or at which substantially all lawful business operations or residential occupancy has ceased; and

(2) where either of the following conditions exist:

(A) the structure is unsecured; or

(B) the structure's exterior or premises contain any waste, rubbish, debris, excessive vegetation, or graffiti.

(Ords. 2008-30 § II, 2002-46 § 3)

720-4.210 Application.

This chapter applies to all property in the unincorporated areas of the county where any of the conditions specified in this chapter exist.

(Ord. 2002-46 § 3)

Article 720-4.4. Standards

720-4.402 Duty of property owner.

Every owner shall maintain property in accordance with the provisions of this chapter and correct all violations of this chapter, and is liable for violations of this chapter regardless of any contract or agreement with any third party concerning the property. If more than one person or entity holds any portion of the fee interest in the property, the owners' obligations under this chapter are joint and several as to each owner.

(Ords. 2008-30 § III, 2002-46 § 3)

720-4.404 Duty to maintain property.

It is unlawful for property to be maintained in such a manner that any one or more of the conditions described in the following subsections are found to exist:

(a) Any vacant structure whose interior, exterior, or premises contain any waste, rubbish, debris, excessive vegetation, or graffiti.

(b) Any unsecured vacant structure that is not secured by boarding in compliance with Section 720-4.406.

(c) Any vacant structure secured by boarding or any other method permitted by Section 720-4.406, at any time at which there is no current and valid boarding permit as required by Section 720-4.412.

(Ords. 2008-30 § II, 2002-46 § 3)

720-4.406 Standards for securing and maintaining a vacant structure.

The owner shall secure and maintain a vacant structure according to the following specifications and requirements:

(a) All waste, rubbish, debris, excessive vegetation, and graffiti shall be regularly removed from the vacant structure's interior, exterior, and premises.

(b) If a vacant structure is unsecured, the vacant structure shall be secured as follows:

(1) Barricade all unsecured doorways, windows, or exterior openings with minimum one-half inch thickness exterior grade plywood which shall extend to the molding stops or studs.

(2) Mount at least two wood stocks of minimum two by four inch thickness to the reverse face of the plywood with minimum three-eighths inch carriage bolts mated with nuts and two flat washers.

(3) Extend the stock a minimum of eight inches on each side of the interior wall.

(4) Cause all hardware to be galvanized or cadmium plated.

(5) Paint all exterior barricade material the predominant color of the structure.

(6) In lieu of requiring the owner to board a vacant structure using the materials and methods of construction specified in this subsection, the county building official may authorize the owner to board the vacant structure using one or more alternative materials or methods of construction, provided the county building official determines the proposed alternative adequately prevents unauthorized entry or vandalism to the vacant structure.

(c) All utility service to the dwelling or building must be terminated by removal of the meters and termination of electric power at the pole. Compliance with this subsection may be waived in writing by the county building official as to the electric utility service if electricity is needed to power exterior security lighting, an alarm system, or equipment to be used in connection with rehabilitation of the dwelling or building for which there is an active and current building permit.

(d) If applicable, the sewer must be capped in a manner approved by the county building official to prevent the accumulation of methane gas in the dwelling or building.

(e) Post the premises. One or more metal signs must be posted at or near each entrance to the structure and on fences or walls as appropriate. The signs must remain posted until the structure is either lawfully occupied or demolished. Signs must contain the following information:

DO NOT ENTER. It is illegal to enter or occupy this building or premises or to remove or deface this notice. Trespassers will be prosecuted. (Contra Costa County Ordinance Code, California Penal Code.)

(f) The county building official may require the owner to erect a fence that meets the specifications of the building inspection division on the property where the vacant structure is located. Any fence erected in accordance with this section shall be maintained in a safe condition without tears, breaks, rust, or dangerous protuberances.

(Ords. 2008-30 § V, 2002-46 § 3).

720-4.408 Prohibited acts.

(a) Entry Prohibited. It is unlawful for any person to enter or occupy any structure or premises that has been posted pursuant to Section 720-4.406, except to repair or demolish the structure under proper permit or for a purpose authorized by the owner.

(b) Interference with Notice Prohibited. It is unlawful for any person to remove or deface any notice posted pursuant to Section 720-4.406 until the required repairs or demolition have been completed or a certificate of occupancy has been issued.

(Ord. 2002-46 § 3)

720-4.412 Permit required for boarding a vacant structure.

(a) No unsecured vacant structure shall be secured by boarding or any means other than the conventional method used in the original construction and design of the structure unless a boarding permit has been first issued by the county building official.

(b) An owner of an unsecured vacant structure must apply to the county building official for a boarding permit within ten days after the vacant structure becomes unsecured.

(c) The application for a boarding permit shall include all of the following information:

(1) The expected period of vacancy.

(2) A plan for regular maintenance during the period of vacancy.

(3) A plan and timeline for the lawful occupancy, rehabilitation or demolition of the vacant structure, or alternatively, a plan and timeline for sale of the property to another person or entity with provision in the sale for the lawful occupancy, rehabilitation or demolition of the structure.

(d) The county building official will issue a boarding permit required by subsection (a) upon the submission of a complete and accurate boarding permit application by the owner of the structure and upon payment of the required fee.

(e) The owner of an unsecured vacant structure must board or otherwise secure the vacant structure in compliance with Section 720-4.406 no later than ten days after a boarding permit is issued. The county building official will confirm through inspection that the boarding or other method of securing the structure has been completed in compliance with Section 720-4.406.

(f) The boarding permit issued pursuant to this section shall authorize the boarding or other securing of a structure for a period of no greater than six months from the date of issuance.

(g) The boarding permit may be renewed after the initial period for up to an additional six months, upon the submission of a written application by the owner. The submission of the application must occur no later than ten days before the original permit expires, upon the payment of the required fee and upon the confirmation through inspection by the county building official that the boarding or other method of securing the structure has been completed in accordance with Section 720-4.406. The application shall include the information required by subsection (c).

(h) A boarding permit may not be extended beyond the renewal period nor may a new application for the same structure be accepted by the county building official within one year of the expiration date of the prior permit, unless all of the following occur:

(1) The owner of the structure submits a written application for extension that includes the information required by subsection (c).

(2) The owner of the structure pays the required fee.

(3) The county building official confirms through inspection that the boarding or other method of securing the structure has been done in compliance with Section 720-4.406.

(4) Good cause for the renewal exists. "Good cause" requires a showing by the owner that the permit renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation or locate a suitable buyer despite diligent efforts to do so, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. If the county building official determines that good cause exists to renew the permit and that all other conditions are met, the permit may be renewed by the county building official for one or more six-month terms, subject to the conditions imposed on the original renewal permit.

(Ord. 2002-46 § 3).

(Ord. No. 2008-30, § VI, 11-18-08)

Article 720-4.6. Enforcement

720-4.602 Authority.

The county building official is authorized to administer and enforce this chapter. The county building official may promulgate rules and procedures implementing this chapter.

(Ord. 2002-46 § 3).

720-4.604 Entry on premises.

To the extent allowed by law, whenever necessary to enforce any provision of this chapter or, whenever the county building official has reasonable cause to believe that a violation of this chapter exists, the county building official, ordesignated representative, may inspect any vacant structure and its associated premises to determine whether the structure or its premises complies with applicable provisions and requirements of this code or of statutes or regulations enforced by the county building official or to enter for the purpose of abatement as provided in Chapter 14-6 of this code.

(Ord. 2002-46 § 3).

720-4.606 Notice to secure and maintain a vacant structure.

(a) If the county building official determines that a violation of this chapter exists, the county building official may transmit a notice to secure and maintain a vacant structure to the owner by certified mail and posting, or by personal service, in accordance with Section 14-6.412.

(b) The notice to secure and maintain a vacant structure will contain the following information:

(1) The street address or other legal description of the property.

(2) A statement of the conditions constituting the violation and a description of how the violation must be abated.

(3) An order that all waste, rubbish, debris, excessive vegetation, and graffiti shall be regularly removed from the vacant structure's interior, exterior, and premises.

(4) If a vacant structure is unsecured, an order that the owner do both of the following:

(A) Apply for a boarding permit no later than ten days after the transmittal date specified on the notice to secure and maintain a vacant structure.

(B) Board or otherwise secure the vacant structure in compliance with Section 720-4.406 no later than ten days after the boarding permit is issued.

(5) A statement that if the violation is not abated within the time specified, the county may abate the violation in accordance with Section 720-4.610.

(6) The order may require the owner to erect a fence in accordance with Section 720-4.406.

(7) A statement that the owner has the right to submit in writing any information relating to a determination of the existence of a violation. If the county building official determines that an effort is being made to correct the violation, then an additional period of time for correction of the violation may be granted.

(c) Within ten days after the date a notice to secure and maintain a vacant structure is transmitted to the owner, the owner may appeal the notice to the board of supervisors in accordance with Section 14-6.416.

(Ord. 2002-46 § 3).

(Ord. No. 2008-30, § VII, 11-18-08)

720-4.608 Remedies.

(a) If a property owner fails to comply with the notice to secure and maintain a vacant structure within the time specified in the notice or does not timely appeal, the county may abate the violation pursuant to Section 720-4.610.

(b) Nothing in this chapter shall be construed as requiring the securing of a substandard vacant structure prior to an abatement of the substandard building under Chapter 14-6, Division 712, or the State Housing Law (Health and Safety Code § 17910 et seq.). If a substandard building becomes a vacant structure before or during abatement under Chapter 14-6, Division 712, or the State Housing Law, the notice and order to abate may require the securing of the building in accordance with the standards set forth in Section 720-4.406.

(c) Nothing in this chapter shall be construed to limit the county from pursuing any other remedies allowed by this code or otherwise allowed by law to enforce violations of this chapter.

(Ord. 2002-46 § 3).

(Ord. No. 2008-30, § VIII, 11-18-08)

720-4.610 Abatement by county.

(a) If a property owner fails to comply with the notice to secure and maintain a vacant structure within the time specified in the notice or does not timely appeal, the county building official may abate the violation and recover costs as provided for in this chapter. Abatement may include issuing a boarding permit in the name of the owner and erecting a fence.

(b) After abating the violation, the county building official will transmit a notice to the owner by certified mail and posting, or by personal service, in accordance with Section 14-6.412. The notice will inform the owner of all of the following:

(1) The owner must maintain the property in a condition that complies with this chapter.

(2) If a boarding permit was issued in the name of the owner, the notice will inform the owner that the boarding permit is effective for six months; and that before the permit expires, the owner must establish a plan and timeline for the lawful occupancy, rehabilitation or demolition of the vacant structure, or alternatively, a plan and timeline for sale of the property to another person or entity with provision in the sale for the lawful occupancy, rehabilitation or demolition of the structure.

(3) If the county building official erects a fence, the notice will inform the owner that the owner must maintain the fence in a condition that complies with this chapter.

(4) A description of the actual work of abatement performed.

(5) A statement that the owner is responsible for permit fees and the costs of abatement, including the cost to perform the actual work, the cost of materials, administrative costs, and inspection and reinspection costs.

(c) If a boarding permit is issued pursuant to subsection (a) of this section, the permit may be renewed by the county building official or by the owner in accordance with Section 720-4.412.

(d) If the county building official abates a violation under this section and the owner fails to maintain the property in a condition that complies with this chapter, the county building official may maintain the property and recover costs as provided for in this chapter.

(Ord. 2002-46 § 3).

(Ord. No. 2008-30, § IX, 11-18-08)

720-4.612 Receipt of notice.

The failure of a person to receive a properly addressed notice shall not affect the validity of the proceedings.

(Ord. 2002-46 § 3).

720-4.614 Reinspections.

The county building official may periodically reinspect vacant structures to ensure compliance with this chapter and all applicable court and administrative orders.

(Ord. 2002-46 § 3).

720-4.616 Summary abatement.

Nothing in this chapter prohibits the summary abatement of a nuisance pursuant to the procedures set forth in Section 14-6.406 of this code.

(Ord. 2002-46 § 3).

720-4.618 Reserved.

Editor's note(s)—Ord. No. 2008-30, § X, adopted Nov. 18, 2008, repealed § 720-4.618 which pertained to appeals and derived from Ord. 2002-46, § 3.

Article 720-4.8. Costs and Fees

720-4.802 Costs.

(a) Abatement costs may be recovered by way of civil action against the owner or may be assessed against the subject property as a lien in accordance with Chapter 14-6 of this code. Abatement costs include the cost to perform the actual work, the cost of materials, and all administrative costs.

(b) Summary abatement costs may be recovered by way of civil action against the owner or may be assessed against the subject property as a lien in accordance with Chapter 14-6 of this code. Summary abatement costs include the cost to perform the actual work, the cost of materials, and all administrative costs.

(Ord. 2002-46 § 3).

720-4.804 Permit fees.

The fee for an initial boarding permit and any renewal boarding permit shall be an amount established by the board of supervisors in the building inspection department's fee schedule adopted pursuant to Section 74-3.107 of this code.

(Ord. 2002-46 § 3).

720-4.806 Reinspection fee.

The fee for any reinspection shall be an amount established by the board of supervisors in the building inspection department's fee schedule adopted pursuant to Section 74-3.107 of this code.

(Ord. 2002-46 § 3).

Chapter 720-6 REGULATION OF VACANT PROPERTY

Article 720-6.2. General Provisions

720-6.202 Title.

This chapter is known as the Vacant Property Ordinance of Contra Costa County.

(Ord. 2002-46 § 3).

720-6.204 Findings.

The board of supervisors finds and declares that vacant property can attract vagrants, gang members and criminals and can be a prime location to conduct illegal activities; that vacant property can be a blight and cause deterioration and instability in neighborhoods; that vacant property can invite the accumulation of garbage, trash, discarded vehicles or boats, weeds, and other nuisance conditions; and that vacant property can pose a serious threat to the public's health and safety and therefore constitute a public nuisance.

(Ord. 2002-46 § 3).

720-6.206 Purpose.

The purpose of this ordinance is to identify vacant properties where nuisance conditions frequently occur and to require the proper securing of those properties to prevent additional nuisance conditions from occurring on the property.

(Ord. 2002-46 § 3).

720-6.208 Definitions.

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

(a) "County Building Official" means the director of the building inspection department or designated representative who is authorized and directed to enforce this chapter.

(b) "Nuisance condition" is one or more of the following conditions occurring on a vacant property:

(1) Substantial amounts of trash, debris, rubbish, or garbage;

(2) Discarded vehicles or boats, discarded trailers, vehicle or boat parts, vehicle or boat hulks, or other articles of personal property that are abandoned or left in a state of partial construction or repair;

(3) Attractive nuisances dangerous to children, such as abandoned, broken or neglected equipment, machinery, refrigerators or freezers, or unsafe pools, ponds or excavations;

(4) Shopping carts, discarded household equipment, or broken or discarded furniture;

(5) Weeds over eighteen inches in height;

(6) Any other similar nuisance condition.

(c) "Owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property. If more than one person or entity owns the subject real property, "owner" refers to each entity holding any portion of the fee interest in the property, and the owners' obligations in this chapter are joint and several as to each owner.

(d) "Vacant Property" means any property that is unimproved and includes unimproved tracts, lots, easements, or parcels of land.

(Ord. 2002-46 § 3).

720-6.210 Application.

This chapter applies to all property in the unincorporated areas of the county where any of the nuisance conditions specified in this chapter exist or where a substandard building has been abated in accordance with Chapter 14-6 or Division 712 of this code or the State Housing Law.

(Ord. 2002-46 § 3).

Article 720-6.4. Standards

720-6.402 Duty of property owner.

Every owner shall maintain property in accordance with the provisions of this chapter and correct all violations of the standards listed in this chapter, and is liable for violations of this chapter regardless of any contract or agreement with any third party concerning the property.

(Ord. 2002-46 § 3).

720-6.404 Duty to maintain property.

(a) No owner shall maintain or allow the maintenance of vacant property in such a manner that any nuisance condition exists on the vacant property.

(b) If a notice and order to abate has been transmitted to an owner, the vacant property must remain secured in accordance with Article 720-6.6.

(Ord. 2002-46 § 3).

720-6.406 Standards for securing vacant property.

Any vacant property that must be secured pursuant to Article 720-6.6 shall be secured according to the following specifications and requirements:

(a) A fence that meets the specifications of the building inspection department shall be erected on the vacant property;

(b) One or more metal signs must be posted on the fence and must contain the following information:

DO NOT ENTER. It is illegal to enter or occupy this property or to remove or deface this notice. Trespassers will be prosecuted. (Contra Costa County Ordinance Code, California Penal Code).

(c) Any fence erected in accordance with this section shall be maintained in a safe condition without tears, breaks, rust, or dangerous protuberances.

(Ord. 2002-46 § 3).

720-6.408 Prohibited acts.

(a) Entry Prohibited. It is unlawful for any person other than the owner, the county building official, or a designated representative of the county building official, to enter or occupy any vacant property that has been posted pursuant to Section 720-6.406(b), except for a lawful purpose authorized by the owner.

(b) Interference with Notice Prohibited. It is unlawful for any person to remove or deface any notice posted pursuant to Section 720-6.406(b).

(Ord. 2002-46 § 3).

Article 720-6.6. Enforcement

720-6.602 Authority.

The county building official is authorized to administer and enforce this chapter. The county building official may promulgate rules and procedures implementing this chapter.

(Ord. 2002-46 § 3).

720-6.604 Entry on premises.

To the extent allowed by law, whenever necessary to enforce any provision of this chapter, the county building official, or designated representative, may inspect any vacant property to determine whether it complies with applicable provisions and requirements of this code or of statutes or regulations enforced by the county building official or to enter for the purpose of abatement as provided in Chapter 14-6 of this code.

(Ord. 2002-46 § 3).

720-6.606 Notice to comply.

(a) If the county building official determines that any nuisance condition exists on a vacant property, the county building official may transmit a notice to comply to the owner by first class mail or by personal service by an authorized representative of the county building official, in accordance with Section 14-2.406.

(b) The owner must remove or remedy the nuisance condition specified on the notice to comply within the time specified in the notice to comply.

(c) The notice to comply will contain the following information:

(1) The street address and such other description as is required to identify the property;

(2) A statement of the nuisance condition existing on the vacant property;

(3) An order that the owner remove or remedy the nuisance condition within ten days of the date of the notice to comply;

(4) A statement that if the nuisance condition is not removed within the time specified, the county may issue a notice and order to abate ordering the securing of the vacant property;

(5) A statement that the owner has the right to submit in writing, any information relating to a determination of the existence of a violation. If the county building official determines that an effort is being made to correct the violation, then an additional period of time for correction of the violation may be granted.

(Ord. 2002-46 § 3).

720-6.608 Notice and order to abate.

(a) The county building official may transmit a notice and order to abate to the owner by certified mail and posting as set forth in Section 14-6.412, or by personal service by an authorized representative of the county building official, if either of the following occur:

(1) The nuisance condition specified in the notice to comply has not been removed or remedied within the time specified;

(2) Any nuisance condition occurs or reoccurs on the vacant property within twelve months of the date of the notice to comply.

(b) The owner must remove or remedy the nuisance condition specified in the notice and order to abate and secure the vacant property in accordance with the standards listed in Section 720-6.406 within ten days of the transmittal date of the notice and order to abate or within a reasonable time specified by the county building official.

(c) The notice and order to abate will be in substantially the same form as indicated in Section 14-6.410 and will contain the following information:

(1) The street address and such other description as is required to identify the property;

(2) A statement that the nuisance condition specified in the notice to comply has not been removed or remedied within the time specified, or that a nuisance condition has occurred or reoccurred on the vacant property within twelve months of the date of the notice to comply;

(3) An order that the owner remove or remedy the nuisance condition and secure the vacant property within the time specified in the notice and order to abate;

(4) A statement that, if the vacant property is not secured in accordance with the standards listed in Section 720-6.406 within the time specified, the county may seek compliance with any remedy allowed by this code and any other remedy allowed by law. The statement will inform the owner that the county may secure the vacant property and recover all costs, including the cost of the fence, from the owner;

(5) A statement that the owner has the right to appeal in accordance with Section 14-6.414.

(d) If more than twelve months have passed from the date of the first notice to comply and no notice and order to abate has been issued, no notice and order to abate will be issued until after another notice to comply has been issued in accordance with Section 720-6.606.

(Ord. 2002-46 § 3).

720-6.610 Remedies.

(a) If, after a notice and order to abate, a property owner fails to correct the violation in the manner and within the time specified in the notice and order to abate, the county may seek compliance by any remedy allowed under this code, including, but not limited to, securing of the vacant property (Section 720-6.612), infraction prosecution (Chapter 14-8), administrative penalties (Chapter 14-12), abatement (Chapter 14-6), and any other remedy allowed by law.

(b) If a nuisance condition occurs on a secured vacant property, the county may seek compliance by any remedy allowed under this code, including, but not limited to, infraction prosecution (Chapter 14-8), administrative penalties (Chapter 14-12), abatement (Chapter 14-6), and any other remedy allowed by law.

(Ord. 2002-46 § 3).

720-6.612 Securing by county.

(a) After issuing a notice and order to abate, the county building official may secure the vacant property and recover costs as provided for in Article 720-6.8 if the owner does any of the following:

(1) Fails to erect a fence in the manner and within the time specified in the notice and order to abate;

(2) Fails to erect a fence that meets the specifications of Section 720-6.406;

(3) Fails to maintain a fence in accordance with the provisions of Section 720-6.406.

(b) If a notice and order to abate a substandard building in accordance with Chapter 14-6, Division 712, or the State Housing Law includes an order to secure the property with a fence that meets the specifications of the building inspection department, the county building official may secure the vacant property and recover costs as provided for in Article 720-6.8 after abating the substandard building.

(c) If a vacant property previously secured by the owner or county building official again becomes unsecured within twenty-four months of any previous securing, the county building official may resecure the vacant property and recover costs as provided for in Article 720-6.8. When resecuring a vacant property within twenty-four months of any previous securing, the county building official is not required to transmit a notice and order to abate before resecuring the vacant property.

(d) After securing or resecuring vacant property, the county building official will transmit a notice to the owner of the vacant property. The notice will be transmitted to the owner by certified mail and posting as set forth in Section 14-6.412 or by personal service by an authorized representative of the county building official. The notice will inform the owner that the vacant property must be maintained in a condition that complies with this chapter.

(e) If more than twenty-four months have passed from the date of a previous securing of a vacant property by the owner or county building official, the county building official will not secure or resecure the vacant property until after a notice to comply and notice and order to abate have been issued in accordance with this article.

(Ord. 2002-46 § 3).

720-6.614 Receipt of notice.

The failure of a person to receive a properly addressed notice shall not affect the validity of the proceedings.

(Ord. 2002-46 § 3).

72-6.616 Reinspections.

The county building official may periodically reinspect vacant properties to ensure compliance with this chapter and all applicable court and administrative orders.

(Ord. 2002-46 § 3).

720-6.618 Summary abatement.

Nothing in this chapter prohibits the summary abatement of a nuisance pursuant to the procedures set forth in Section 14-6.406 of this code.

(Ord. 2002-46 § 3).

720-6.620 Appeals.

The property owner may appeal any determination of the county building official made pursuant to this chapter in the time allowed and in the manner prescribed in Chapter 14-4 of this code.

(Ord. 2002-46 § 3).

Article 720-6.8. Costs and Fees

720-6.802 Costs.

(a) Abatement costs may be recovered by way of civil action against the owner or may be assessed against the subject property as a lien in accordance with Chapter 14-6 of this code. Abatement costs include the cost of materials including the fence, the cost to perform the actual work, and all administrative costs.

(b) Summary abatement costs may be recovered by way of civil action against the owner or may be assessed against the subject property as a lien in accordance with Chapter 14-6 of this code. Summary abatement costs include the cost of materials including the fence, the cost to perform the actual work, and all administrative costs.

(Ord. 2002-46 § 3).

720-6.804 Reinspection fee.

The fee for any reinspection shall be an amount established by the board of supervisors in the building inspection department's fee schedule adopted pursuant to Section 74-3.107 of this code.

(Ord. 2002-46 § 3).

Chapter 720-8 RENTAL DWELLING UNIT MAINTENANCE AND INSPECTION

Article 720-8.2. General Provisions

720-8.202 Title.

This chapter is known as the rental dwelling unit maintenance and inspection ordinance of Contra Costa County.

(Ord. 2005-17 § 2).

720-8.204 Purposes.

The purposes of this ordinance are to proactively identify blighted and deteriorated housing stock; ensure the rehabilitation or abatement of housing that does not comply with state and local building and housing laws and with maintenance standards established by this chapter or is unsafe to occupy; and preserve and enhance the quality of life for residents of the county living in rental dwelling units.

(Ord. 2005-17 § 2).

720-8.206 Definitions.

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

(a) "County building official" is the director of the building inspection department or designee.

(b) "Property owner" means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property. If more than one person or entity owns the subject real property, "property owner" refers to each person or entity holding any portion of the fee interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.

(c) "Rental dwelling unit" means any building or portion of a building in the unincorporated area of the county that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, which is hired, rented or leased by a person within the meaning of Civil Code Section 1940. A "rental dwelling unit" includes a single-family dwelling, or a unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, or any room or group of rooms located within a dwelling and forming a single unit with facilities that are used or intended to be used for living, sleeping, cooking or eating. The definition of rental dwelling unit applies to any dwelling space that is actually used or available for residential purposes whether or not the residential use is legally permitted. The definition of rental dwelling unit applies to single room occupancy hotels but does not apply to any other hotels, motels, or bed and breakfast facilities.

(d) "Single room occupancy hotel" means any building that contains six or more rooms intended or designed to be used, rented or occupied for sleeping or living purposes by tenants and is the primary residence of those tenants. A "single room occupancy hotel" is not a building containing six or more rooms that is primarily used by transient guests who do not occupy the building as their primary residence.

(e) "Substandard condition" means a rental dwelling unit or its premises that is:

(1) Not in compliance with the California Building Standards Codes as adopted in Title 7 of this code, including the building, electrical, plumbing, and mechanical codes; the Uniform Housing Code as adopted in Title 7 of this code; the State Housing Law (Health and Safety Code Sections 17910 et seq.); or the exterior maintenance standards and site maintenance standards established by Article 720-8.4; or

(2) Unsafe to occupy pursuant to the Uniform Housing Code, as modified.

(Ord. 2005-17 § 2).

720-8.208 Application.

(a) This chapter applies to all existing residential rental dwelling units, as defined in this chapter, including units owned, operated, or subsidized by public agencies, except for units owned by the housing authority of the county of Contra Costa and except as provided in Section 720-8.210. This chapter also applies to the premises on which these units are located, including parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas.

(b) The provisions of this chapter are supplementary and complementary to other provisions of this code and applicable statutes. Nothing in this chapter may be construed to limit any existing right of the county to abate nuisances or to enforce any provisions of applicable law, statute, or this code, including provisions of uniform codes adopted by reference in this code. These provisions include, but are not limited to, the California Building Standards Codes as adopted in Title 7 of this code, including the building, electrical, plumbing, and mechanical codes; the State Housing Law (Health and Safety Code Sections 17910 et seq.); and Title 8 of this code.

(Ord. 2005-17 § 2).

720-8.210 Exemptions.

(a) All mobilehomes, manufactured homes, recreational vehicles, and other dwelling units located in a mobilehome park are exempt from this chapter.

(b) Newly constructed buildings are exempt from this chapter for a period of ten years. The exemption period for a building begins to run on the date the building inspection department issues the initial notice of occupancy for the building.

(Ord. 2005-17 § 2).

720-8.212 Administration.

This chapter is administered and enforced as deemed necessary by the county building official. The county building official may establish procedures implementing this chapter.

(Ord. 2005-17 § 2).

Article 720-8.4. Standards

720-8.402 Responsibility for property maintenance.

Every property owner of a rental dwelling unit in the unincorporated area of the county shall:

(a) Maintain the rental dwelling unit and its premises so that no substandard condition exists at the rental dwelling unit or on the premises;

(b) Correct all substandard conditions before a reinspection occurs; and

(c) Be liable for violations of this chapter regardless of any contract or agreement with any third party concerning the rental dwelling unit and its premises.

(Ord. 2005-17 § 2).

720-8.404 Exterior maintenance standards.

Rental dwelling units and premises shall meet the following exterior maintenance standards:

(a) Buildings, or portions of buildings, must have exterior walls that are weathertight and watertight, and kept free of deterioration, holes, breaks, or loose boards or coverings. Roof surfaces must be watertight and not have any defects that will allow water to enter into the structure;

(b) The exterior finish of all structures on the premises must be maintained. If the exterior finish of a structure is paint or stain, the structure must be repainted or restrained before the exterior finish has substantially deteriorated;

(c) All architectural projections such as cornices, moldings, lintels, sills and similar projections must be maintained in good and safe condition and free of defects;

(d) All chimneys, antennae, vents, gutters and downspouts and similar projections or building accessories must be structurally sound and in good and safe condition. These projections must be properly secured to an exterior wall or roof;

(e) Windows must be soundly and adequately glazed, free from loose and broken glass and cracks that could cause physical injury or allow the elements to enter the structure. Exterior doors must be maintained weathertight, watertight and rodent proof;

(f) All structures and exterior property must be maintained free of rodent, insect or vermin infestation, as set forth in Chapter 416-14 of this code;

(g) All accessory structures must be maintained in a state of good and safe condition or removed from the site. These structures include, but are not limited to, clubhouses, offices, maintenance buildings, carports, retaining walls, fences, garages, swimming pools, spas, hot tubs, and miscellaneous sheds or structures.

(Ord. 2005-17 § 2).

720-8.406 Site maintenance standards.

Rental dwelling units and premises shall meet the following site maintenance standards:

(a) All units and premises must be clear of weeds, vegetation, junk (including, but not limited to, abandoned, unused or nonoperational appliances, equipment, vehicles, machinery, or household furnishings), dead organic matter, debris, garbage, stagnant water, combustible materials, and similar materials or conditions that constitute fire, health, or safety hazards;

(b) All parking areas must be clear of potholes, cracks or other deterioration. All striping and signage, including parking signage and fire lane or access signage, must be clearly legible and maintained in good condition;

(c) All landscaped areas must be maintained so as not to constitute a public safety hazard and all dead or severely damaged plant materials shall be removed. If upon inspection the inspector reasonably determines that landscape areas constitute a public safety hazard, the property owner shall submit a landscape plan to the community development department for approval. If a rental dwelling unit and premises are in a land use district requiring a development plan, the landscape plan must conform to the development plan initially approved by the county. All other landscape plans must provide for the replacement of all dead or severely damaged plant material with plant material equivalent to that removed. Landscape areas include rights-of-way and detention or pond areas. Driveways, hardscape parking areas, patios or walks are not included as landscape areas;

(d) Refuse enclosures must be installed and maintained. All refuse must be kept inside the enclosure. Oversized trash that will not fit within the refuse enclosure, or designated receptacles, must be removed from the property. "Refuse" has the meaning set forth in Chapter 416-14.

(Ord. 2005-17 § 2).

Article 720-8.6. Enforcement

720-8.602 Inspections of rental dwelling units.

(a) Unless otherwise exempt under this chapter, every rental dwelling unit is subject to inspection by the county building official to determine whether any substandard condition exists at a rental dwelling unit or its premises.

(b) Inspections under this chapter will occur on a periodic basis. The county building official will establish procedures specifying the frequency of inspections of rental dwelling units.

(Ord. 2005-17 § 2).

720-8.604 Notice of intent to inspect.

Before an interior inspection occurs under this chapter, a notice of intent to inspect a rental dwelling unit will be mailed by first class mail to the property owner at the property owner's last known address as it appears on the latest equalized tax assessment roll of the county. In the case of multiple property owners, notice to any of the property owners is sufficient notice. The notice will state the date and time of the inspection. The inspection will be scheduled at least fourteen days after the date the notice of inspection is mailed.

(Ord. 2005-17 § 2).

(Ord. No. 2010-14, § I, 9-21-10)

720-8.606 Notice to tenants.

The property owner must notify the individual tenants of the date and time of the interior inspection.

(Ord. 2005-17 § 2).

(Ord. No. 2010-14, § II, 9-21-10)

720-8.608 Refusal to inspect.

If the occupant of the unit does not consent to the entry for inspection, the county building official is authorized to seek an inspection warrant from a court of competent jurisdiction to cause the inspection to take place.

(Ord. 2005-17 § 2).

720-8.610 Notice and order to correct.

(a) If, upon inspection, any substandard condition exists within the rental dwelling unit or its premises, the county building official will provide the property owner with a written "Notice and Order to Correct" that describes the substandard condition or conditions and the location of the substandard condition or conditions. The notice will specify a reasonable time for correction of the substandard condition or conditions that ranges, depending on the severity of the condition, from twenty-four hours to sixty days from the date of the notice.

(b) If the property owner applies in writing to the county building official for an extension within the original correction period, the county building official may extend the period for correction of the substandard condition or conditions if the county building official determines that the property owner has established that correction has been diligently pursued but the correction could not be completed within the original correction period.

(c) The notice and order to correct will be mailed by first class mail to the property owner at the property owner's last known address as it appears on the latest equalized tax assessment roll of the county. In the case of multiple property owners, service of the notice and order to correct on any of the property owners is sufficient.

(Ord. 2005-17 § 2).

720-8.612 Permits.

Before initiating any correction of the substandard condition or conditions identified in the notice and order to correct, the property owner of the rental dwelling unit shall obtain all necessary permits and pay all required fees for the permits, including, without limitation, any penalty imposed by this code by reason of any repair, improvement or maintenance which had been done in the past without a required permit, inspection or final approval.

(Ord. 2005-17 § 2).

720-8.614 Reinspections.

One or more reinspections will be conducted to verify that the substandard condition or conditions identified in the notice and order to correct have been corrected. Following the expiration of the correction period and any extensions, the property owner shall pay a reinspection fee and arrange with the county building official for reinspection of the property to determine whether the substandard condition or conditions have been corrected. The property owner shall provide all required notice to any tenants. If the county building official appears at the rental dwelling unit for the inspection as scheduled and access is denied, the owner shall pay an additional reinspection fee for each subsequent scheduled reinspection. Violations not noted on the initial inspection report but discovered on reinspection must be corrected by the property owner as set forth in this chapter.

(Ord. 2005-17 § 2).

720-8.616 Self-certification.

Following receipt of a notice of intent to inspect, a property owner of four or more units may request to self-certify that the property meets the standards and requirements of this chapter. Self-certification shall occur as follows:

(a) The property owner shall complete a self-certification application on form provided by the county building official and pay a self-certification fee. The property owner will then be provided with a self-certification checklist;

(b) The property owner shall conduct a self-inspection of all rental dwelling units and the premises, and certify that the conditions at the property meet the standards listed on the self-certification checklist;

(c) Upon the county building official's receipt of the checklist, the county building official will inspect twenty percent of the total rental dwelling units selected at random;

(d) If no substandard conditions exist in the inspected rental dwelling units, the county building official will conduct no further inspections under the procedures established by this chapter until the next inspection period;

(e) If one or more substandard condition exists at any of the inspected rental dwelling units, then all units will be inspected, a notice and order to correct will be issued for all substandard conditions in accordance with Section 720-8.610 of this article, and reinspections will occur in accordance with Section 720-8.614 of this article.

(Ord. 2005-17 § 2).

720-8.618 Remedies.

If, after a notice and order to correct, a property owner fails to correct the substandard condition(s) within the time allowed, the county may seek code compliance by any remedy allowed under this code, including, but not limited to, infraction prosecution (Chapter 14-8), administrative penalties (Chapter 14-12), abatement (Chapter 14-6), and any other remedy allowed by law, including notification to the franchise tax board of the property owner's noncompliance for purposes of disallowance for state income tax purposes of interest, depreciation, taxes, or amortization deductions, derived from the property ownership of substandard rental housing as set forth in California Revenue and Taxation Code Section 24436.5.

(Ord. 2005-17 § 2).

720-8.620 Appeals.

The property owner may appeal any determination of the county building official made under this chapter in the time allowed and in the manner prescribed in Chapter 14-4 of this code.

(Ord. 2005-17 § 2).

Article 720-8.8. Fees and Costs

720-8.802 Fees.

(a) A rental dwelling unit program fee is established. Owners of all buildings subject to regulation under this chapter shall pay this fee annually. The fee is a regulatory fee and will be used to finance the cost of administering and enforcing this chapter's regulations.

(b) A rental dwelling unit inspection fee is established.

(c) A rental dwelling unit reinspection fee is established.

(d) A rental dwelling unit self-certification fee is established.

(e) Program fees, inspection fees, reinspection fees and self-certification fees will be in amounts established by the board of supervisors in the department of conservation and development's fee schedule.

(f) Fees required under this chapter are in addition to any other fee required under any other chapter of this Code or any other county, state or federal law or regulation.

(Ord. 2005-17 § 2).

(Ord. No. 2010-14, § III, 9-21-10)

720-8.804 Relocation costs.

If any tenant is displaced from a rental unit after an order to vacate issued by the county building official because a violation is of such a nature that the immediate health and safety of the tenant is endangered, the costs and expenses of relocating the tenant from the unit are the responsibility of the property owner to the extent required by state law.

(Ord. 2005-17 § 2).

Division 722 FIRE CODE

Chapter 722-2 ADOPTION

722-2.002 Adoption.

Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District hereby adopt the 2022 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2021 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K, as amended by the changes, additions, and deletions set forth in this chapter. The 2022 California Fire Code, with the changes, additions, and deletions set forth in this chapter, is adopted by this reference as though fully set forth in this chapter. As of the effective date of this chapter, the provisions of the fire code are controlling and enforceable within the limits of each jurisdiction.

(Ord. No. 2016-23, § 1, 11-1-16; Ord. No. 2022-34, § 1, 11-8-22)

722-2.004 Amendments.

The 2022 California Fire Code is amended by the changes, additions, and deletions set forth in this Section 2. Chapter and Section numbers used below are those of the 2022 California Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, and is hereinafter referred to as ''this code."

Section 102.1 is amended to add item 5, to read:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.5 is amended to read:

105.5 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.5.1 through 105.5.63.

Section 105.5.33 is amended to read:

105.5.33 Motor Fuel Dispensing Facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel dispensing facilities, including for sites that allow mobile fueling from a service provider to the general public, fueling of motor vehicles at approved locations from a tank vehicle and limited or temporary fueling operations for special events (fueling of watercraft from shore, piers, floats, or barges).

Section 105.5.40 is amended to read:

105.5.40 Cannabis/Plant Extraction Related System(s)/Operations. An operational permit is required for any of the following cannabis/plant extraction related systems operations.

1. Cultivation
2. Plant Extraction Systems
3. Testing/Lab
4. Manufacturing
5. Distribution
6. Carbon Dioxide Systems or volatile solvent Section 105.5 is amended to read:

105.5.52 Wood products. An operational permit is required to store chips, hogged material, wood or other combustible pallets, lumber or plywood in excess of 200 cubic feet (6 m3).

Section 105.5 is amended by adding Sections 105.5.55 through 105.5.63 to read:

105.5.55 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 3319

105.5.56 Automobile Wrecking or Dismantling Yard. An operation permit is, required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

105.5.57 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees

105.5.58 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code

105.5.59 Model rockets. A permit is required to sell model rocket motors or launch model rockets pursuant to California Code of Regulations, Title 19, Division 1, Article 17, Permits issued in accordance with this section are for the site, and are effective as long as site conditions have not changed.

105.5.60 Temporary Occupancy. A permit is required for any temporary occupancy.

105.5.61 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3313.1.

105.5.62 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m 3) of tires inside buildings pursuant to Chapter 34.

105.5.63 Indoor Growing Operation. A permit is required to operate an indoor growing operation.

Exception: Agricultural Greenhouses in an agricultural zone.

Section 105.6 is amended to read:

105.6 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.29.

Section 105.6 is amended by adding Sections 105.6.25 through 105.6.29 to read:

105.6.25 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code.

105.6.26 Construction, Substantial Alteration, Additions of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, substantial alteration, additions or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or substantial alteration.

105.6.27 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.6.28 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

105.6.29 Land Development. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction.

Section 105.7 is added, to read:

105.7 Responsibility of permittee. Construction permits shall be presumed by the Fire District, Fire Department to incorporate all of the work that the applicant or the applicant's agent, employees, or contractors shall carry out. Work performed shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 112.4 is amended to read:

112.4 Violation penalties. Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871 and Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 2. Definitions.

Section 202 is amended by adding the following definitions to that section:

Administrator. Shall mean the Fire Chief

Aerial Pre-Plans. An overhead layout of a parcel that contains structure(s) that identifies specific first responder related items to assist in effectively managing incidents and events for the protection of occupants, responding personnel, property, and the environment. The preplan shall be developed in accordance with a format approved by the AHJ. Preplan symbols shall comply with AHJ or the latest edition of NFPA 170 (Standard for Fire Safety and Emergency Symbols), and NFPA 1620 (Standard for Pre-Incident Planning).

All-weather driving surface. A roadway with a minimum surface finish that is designed to carry the imposed weight loads of fire apparatus.

Automobile Dismantling or Wrecking Yard. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Combustible Material. Rubbish, litter or material of any kind other than hazardous vegetation that is combustible and endangers the public safety by creating a fire hazard as determined by the fire code official.

Defensible Space. The area adjacent to a structure or dwelling as determined by the fire code official where wildfire prevention or protection practices are implemented to provide the key point of defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term that includes, but is not limited to a fire lane, public street, private street, driveway, parking lot lane, and access roadway.

Fire Code Official. The Fire Chief or a duly authorized representative, or other person as may be designated by law, appointment or delegation and charged with the administration and enforcement of this code.

Firebreak. A continuous strip of land upon and from which all combustible material hazardous vegetation or other growth has been removed to bare mineral soil to stop or prevent the extension of fire from one area to another.

Fire Trail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires. Must be able to support the safe travel of a Type 3 Fire Apparatus.

Fuel Break. A strategically located block or strip, on which a cover of dense, heavy, or combustible vegetation has been changed to one of lower fuel volume or reduced combustibility, as an aid to fire control. Fuel breaks require annual and recurring maintenance.

Hazardous Vegetation. Vegetation that is combustible and endangers the public safety by creating a fire hazard including, but not limited to, seasonal and recurrent grasses, weeds, stubble, brush, dry leaves, dry needles, dead, dying or diseased trees and any other vegetation as determined by the fire code official.

Key Box or *Knox Box.* (Underwriters Laboratory) UL "Listed" box, size and style, approved by the Fire Code Official or designee that meets the requirements and uses the same security key code adopted by the Fire Department

Ladder Fuel. Fuel that provides vertical continuity between surface fuel and canopy fuel strata, increasing the likelihood that fire will carry from surface fuel into the crowns of shrubs and trees.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Ornamental Landscaping. Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.

Person. Includes any agency of the county, city, district or other local public agency and any individual, firm, association, partnership, business trust, corporations, limited liability company, or company.

Public Nuisance. A declaration by the fire code official that the presence of combustible materials on any parcel creates a fire hazard or threat to public safety (Health and Safety Code 14875 and 14876) or any violation of this code.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes and/or amount of vegetation (native and ornamental), and/or other conditions favorable to fast moving fires.

Response Time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Rubbish. Waste matter, litter, trash, refuse, debris, and dirt on streets or private property in the jurisdiction, which is or when dry may become a fire hazard. See combustible material.

Rural Area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural Residential Area. An area generally designated for single-family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Sprinkler Alarm and Supervisory System (SASS). A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public rights-of-way, private road, paper street and, easements.

Substantial Addition. The addition of new gross floor area exceeds fifty percent of the existing gross floor area and the total new gross floor area is 5,000 square feet or greater.

Substantial Alteration. Where fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed or replaced within a one-year period.

Temporary Fire Department Access Road for Construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary Fire Department Access Road for Construction of One (1) Residential (R3) Unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary Water Supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree Litter. Any limbs, bark, branches, and/or leaves in contact with other vegetation or left to gather on the ground.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous;
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Chapter 3. General Precautions Against Fire.

Section 304.3.5 is added, to read:

304.3.5 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct, and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4, Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 324 is added to Chapter 3, to read:

SECTION 324 Exterior Fire Hazard Control.

324.1 Subsurface Fires.

324.1.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

324.1.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter, or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, the Fire District may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt

of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 325 is added to Chapter 3, to read:

SECTION 325 Automobile Wrecking Yards.

325.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

325.2 Definitions. The following terms are defined in Chapter 2:

Automobile Dismantling

Automobile Wrecking Yard

325.3 Requirements.

325.3.1 Permits. An operational fire code permit is required as in Section 105.6.53.

325.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

325.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires, and all other debris.

325.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms, or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

325.3.5 Fire Protection. Offices, storage buildings, and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

325.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

325.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

325.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

325.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

325.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

325.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems, and transmissions shall be kept available on site. Single-use plugs, diking, and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state, and local requirements.

325.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

325.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding, or drilling of any kind, is prohibited.

325.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Section 401.5.1 is added to read:

401.5.1 Nuisance Fire Alarm. A fee may be charged for false/ or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 401.10 is added to read:

401.10 Aerial Pre-Plans. For all new construction the fire official is authorized to require a fire aerial pre-plan to be prepared by an approved vendor at the cost of the developer.

Section 401.11 is added to read

401.11 Standby Personnel. Where, in the opinion of the fire code official or Fire Chief, it is essential for public safety in a place of assembly, or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee shall provide standby personnel as required and approved by the fire code official or Fire Chief. If the activity requires fire watch, fire watch shall be provided in accordance with Sections 403.11.1.1 and 403.11.1.2. Standby personnel needed for EMS standby shall be provided in accordance with Contra Costa County EMS Protocols.

Chapter 5. Fire Service Features.

Section 503.1.4 is added to read:

503.1.4 Access to open spaces. When access to open land/space or fire trail systems maintained for public or private use is obstructed by new development of any kind, the developer shall provide alternate acceptable access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access requires the approval of the fire code official.

Section 503.1.5 is added to read:

503.1.5 Existing fire trail systems shall be maintained. When conditions make maintenance of existing trails impractical, alternate means of access shall be provided and requires approval by fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A driveway with a minimum width of 16 feet is acceptable for access to one or two single - family dwellings.

Section 505.3 is added, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Chapter 6. Building Services and Systems.

Section 605.3.1 is added to read:

605.3.1 Spark Arrestors. All Chimneys attached to any appliance or fireplace that bums solid fuel shall be equipped with an approved spark arrestor per CBC 2113.9.2

Chapter 9. Fire Protection Systems.

Section 901.6.3 is amended to read:

901.6.3 Records. Records of all system inspections, tests, and maintenance required by the reference standards shall be submitted to a third party electronic record keeping service as chosen by the fire district.

Section 902.1 is amended to add:

Substantial Addition. The addition of new gross floor area exceeds fifty percent of the existing gross floor area and the total new gross floor area is 5,000 square feet or greater.

Substantial Alteration. Where fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed or replaced within a one-year period.

Section 903.2.1.1 is amended to read:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided throughout stories containing Group A-1 occupancies and throughout all stories from the Group A-1 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex. Section 903.2.1.3 is amended to read:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by firewalls of less than 4-hour fire resistance rating without openings.

Section 903.2.1.4 is amended to read:

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided throughout stories containing Group A-4 occupancies and throughout all stories from the Group A-4 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.2 is amended in its entirety, to read:

903.2.2 Group B. An automatic sprinkler system shall be provided for Group B occupancies and intervening floors of the building where the fire area exceeds 5,000 square feet.

903.2.2.1 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

3. In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor as well as all floors below where such care is provided, and an · floors between the level of ambulatory care and the nearest level of exit discharge, the level of exit discharge, and all floors below the level of exit discharge.

Exception: Floors classified as an open parking garage are not required to be sprinklered.

Section 903.2.3 is amended to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,000 square feet in area.

Exception: An automatic sprinkler system is not required in any Group E Day Care Facility less than 5,000 square feet

2. The Group E fire area is located on a floor other than a level of exit discharge serving such occupancies.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area.

3. The Group E fire area has an occupant load of 300 or more.
4. In rooms or areas with special hazards such as laboratories, vocational shops, and. other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
5. Throughout any Group E structure greater than 4,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.
6. For public school state-funded construction projects, see Section 903.2.19.
7. For public school campuses, Kindergarten through 12th grade, see Section 903.2.20. Section 903.2.4 is amended to read:

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group F-1 occupancy used for the manufacture. of upholstered furniture or mattresses exceeding 2,500 square feet (232 m2).

Section 903.2.4.4 is added to read:

903.2.4.4 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy greater than 5,000 square feet.

Section 903.2.7 is amended to read:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.

2. A Group M fire area is located more than three stories above grade plane.

3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

4. A Group M occupancy (is) used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.

5. The structure exceeds 5,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.

Section 903.2.8 is amended to read:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies. An automatic sprinkler system shall be installed in new manufactured homes, new mobile homes, and multifamily manufactured homes with two dwelling units, including those located in mobile home parks, in accordance with Title 25 of the California Code of Regulations.

Section 903.2.8.1.1 is added, to read:

903.2.8.1.1 Group R-3 Substantial Addition or Alteration. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where either of the following occurs:

1. Substantial Addition. The addition of new gross floor area exceeds fifty percent of the existing gross floor area and the total new gross floor area is 3,600 square feet.

2. Substantial Alteration. Where fifty percent or greater of the linear length of the wall of the building (exterior and interior) and fifty percent of the roof are removed or replaced within a one-year period.

Section 903.2.9 is amended to read:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.

2. A Group S-1 fire area is located more than three stories above grade plane.

3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

4. A Group S-1 occupancy used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

Section 903.2.9.1 is amended to read:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.

3. Buildings with repair garages servicing vehicles parked in basements.

4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet.

Section 903.2.10.1 is amended to read:

903.2.10 Group S-2 parking garages. An automatic sprinkler system shall be provided throughout buildings classified as parking garages where any of the following conditions exists:

1. Where the fire area of the enclosed parking garage, in accordance with Section 406.6 of the California Building Code, exceeds 5,000 square feet.
2. Where the enclosed parking garage, in accordance with Section 406.6 of the California Building Code, is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the fire area of the open parking garage, in accordance with Section 406.5 of the California Building Code, exceeds 48,000 square feet.

Section 903.2.10.3 is added to read:

903.2.10.3 Group S-2 low hazard storage. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy exceeding 5,000 square feet.

Exception: Open parking garages, including canopies and photovoltaic panel systems with open parking underneath, shall meet automatic sprinkler system requirements in accordance with the 2022 California Building Code and 2022 California Fire Code without local amendment.

Section 903.3.1.1.4 is added to read:

903.3.1.1.4 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet, the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than .14 feet, the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.1.3 is amended to read:

903.3.1.3 Sprinkler Systems for One and Two family dwellings. Automatic sprinkler systems for one- and two- family dwellings shall be permitted to be installed in accordance with section 903.3.1.3.1.

Section 903.3.1.3.1 is added to read:

903.3.1.3.1 Pipe limitations. Where CPVC pipe is installed above the insulation or is otherwise located in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 903.3.5.3 is added to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.9 is amended to read:

903.3.9. Floor control valves. Individual floor control valves and water flow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location. Exception: Group R-3 and R-3.1 Occupancies.

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and

visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6.1 and 903.6.2 are added to read:

903.6.1 Substantial Addition. An automatic sprinkler system shall be provided throughout all existing R-3 Occupancy buildings where a substantial addition occurs and the total new gross floor area of the structure exceeds 3,600 square feet. Group R-3 substantial additions or alterations shall comply with Section 903.2.8.1.1.

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1011.5 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard).

Section 907.4.4 is added to read:

907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including, but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.6.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including, but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms, and locker rooms;
2. Corridors, hallways, and aisles with shelving and/or fixtures obstructing the required light intensity for that area;
3. Music practice rooms;
4. Band rooms;
5. Gymnasiums;
6. Multipurpose rooms;
7. Occupational shops;
8. Occupied rooms where ambient noise impairs hearing of the fire alarm;
9. Lobbies;
10. Meeting/Conference rooms;
11. Classrooms;
12. Medical exam rooms;
13. Open office areas;
14. Sales floor areas;

15. Break or lunch rooms;

16. Copy or work rooms;

17. Computer server rooms exceeding 200 sq. ft.;

18. File or Storage rooms exceeding 200 sq. ft. Section 907.6.6 is amended to read:

907.6.6 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL-listed central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Group 1-3 occupancies shall be monitored in accordance with Section 907.2.6.3.
3. Residential Day Care Facilities (occupancy load of 14 or less).
4. One- and two-family dwellings.
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.6.7 is added to read:

907.6.7 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.6.7.1 is added to read:

907.6.7.1 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within three feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1028.5.1 is added to read:

1028.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 33. Fire Safety During Construction and Demolition.

Section 3303.1.2 is added to read:

Amendments. Amendments may be required to an approved site safety plan if deemed necessary by both the building official and fire official, based on previous fires or hazards that occurred on site or occurring within the jurisdiction.

Section 3303.1.3 is added to read:

Site Security requirements. Site security requirements shall include the following if deemed necessary by both the building official and fire official:

1. Controlled access points;
2. Site fencing, up to 12 feet in height with tamper sensors and security wires on top;
3. Security guards, full-time 24/7 presence on-site, to perform fire watch and patrols;

4. Detection check points located throughout the buildings for fire watch and patrol verification;

5. Security camera coverage throughout the site with motion detection notifications;

6. Identify measures taken to prevent tampering with security cameras and motion sensors;

7. Necessary lighting throughout the project site Section 3319 Asbestos Removal is added to read as follows:

General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3319.

Exception: Section 3319 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.

2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).

3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m2) or a dimension of less than 10 linear feet (3048 mm).

4. Floor tiles when their removal can be completed in less than four hours.

5. Group R-3 occupancies.

Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 50. Hazardous Materials - General Provisions.

Section 5001.5.1 is amended to add item number 10 and 11 to read as follows:

10. Fire Department related safety equipment:

    A. Fire alarm control panel (FACP);

    B. Sprinkler riser;

    C. Fire department connection (FDC);

    D. Knox Box location;

    E. Gas valve shutoff;

    F. Electrical main shutoff;

    G. Water shutoff;

    H. Elevator equipment room.

11. A Site Fire/Explosion/Hazardous Material Release Analysis Assessment. A Fire Protection Engineer (FPE) stamped risk assessment is required for each possible hazard risk associated with fire, explosion, smoke, and toxicity associated with the possible incident at a facility that is identified as a bulk transfer/process/storage facility. Refer to NFPA 550 & 551 for references.

Section 5001.5.3 is added to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location; as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1.2 is added to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 56. Explosives and Fireworks.

Section 5601.1.3 is amended to read as follows:

Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within jurisdiction of the District.

Exceptions:

1. Storage and handling of fireworks by a Public Safety Agency.
2. The use of fireworks for fireworks displays pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.
3. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.2 is amended to read as follows:

5601.2.2 Sale and retail display. No person shall construct a retail display or offer for sale any explosives, explosive materials, or fireworks within the jurisdiction. Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.4 is amended to read as follows:

5601.2.4 Financial responsibility. Before a permit is issued pursuant to Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of $2,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when it is determined conditions at the location of use indicate a greater or lesser amount is required.

Government entities shall be exempt from this bond requirement.

Exception: Fireworks in accordance with California Code of Regulations, Title 19, Division I, Chapter 6. See Section 5608

Chapter 57. Flammable and Combustible Liquids.

Section 5703.3.1 is added to read:

5703.3.1 Facility site Fire/Explosion/Hazardous Material Release Analysis Assessment. A Fire Protection Engineer (FPE) stamped risk assessment is required for each possible hazard risk associated with fire, explosion, smoke, and toxicity associated with the possible incident at a facility that is identified as a bulk transfer/process/storage facility when required by the fire official. Refer to NFPA 550 & 551 for references.

Section 5704.2.9.6.1 is amended to read as follows:

Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 1,000 gallons for any class of liquids.

Section 5706.2.4.4 is amended to read:

Section 5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 1,000 gallons for any class liquids.

Chapter 58. Flammable Gasses and Flammable Cryogenic Fluids

Section 5806.2 is amended to read as follows:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with Section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A, Group B, or Group M occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the California Mechanical Code and NFPA 58.

Section 6104.2 is amended to read:

6104.2 Maximum capacity within established limit. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 80. Referenced Standards.

Chapter 80 is amended by adding the following referenced standards:

NFPA 3 (2021): Recommended Practice for Commissioning of Fire Protection and Life Safety Systems.

NFPA 850 (2020): Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations.

Chapter 80 is further amended by amending the NFPA 13D (2022) (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) standard as follows:

Section 7.7.1 is added, to read:

7.7.1 Where CPVC pipe is installed above the normal insulation in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 8.3.5.1.2 is amended to read:

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space. In unconditioned spaces, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type Kor L copper, or ferrous piping.

Appendix B. Fire-Flow Requirements for Buildings.

Table B105.2 is amended to read:

TABLE B105.2
Required Fire-Flow for Buildings
Other Than One- and Two-Family Dwellings,
Group R-3 and R-4 Buildings and Townhouses

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE-FLOW (GALLONS PER MINUTE)	FLOW DURATION (HOURS)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1(2)a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2)a	Duration in Table B105 .1(2) at the reduced flow rate

For SI: 1 gallon per minute= 3.785 Lim

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Appendix C. Fire Hydrant Locations and Distribution.

Table C102.1 is amended as follows:

The title of Table C102.1 is amended to read:

TABLE C102.1 REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS (footnote h and j)

The heading of the fourth column of Table C 102.1 is amended to read:

MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT (d, f, g, i)

Footnotes "i" and "j" are added to Table C102.1, to read:

i. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.

j. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

Appendix D. Fire Apparatus Access Roads.

Section D102.1 is amended to read:

Dl02.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire

apparatus weighing at least 74,000 pounds (34,473 kg) in accordance with Caltrans Design Standard HS-20-44.

Exception: Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.2 is amended to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be *Yi* inch (13 mm) wide by *Yi* inch (13 mm) deep and 1 *Yi* inch (38 mm) on center and set at a 30 to 45-degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D 103.3 is amended to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

Figure D 103.1 is amended to read:

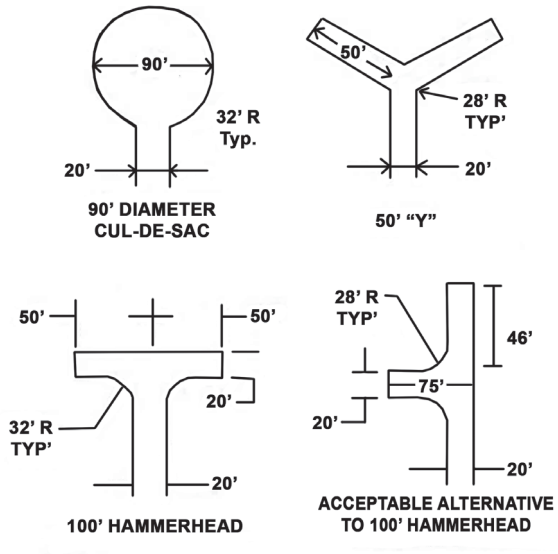


Table D103.4 is amended to read:

Table D103.4 REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20[a]	None required
151—750	20[a]	100-foot Hammerhead, 50-foot "Y", 75-foot Shunt or 90-foot-

		diameter cul-de-sac in accordance with figure D103.1
Over 750	Special approval required[b]	

a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family dwellings.

b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8-foot-wide turnout that extends at least 40. feet in length.

Section D103.5 is amended as follows:

Criteria 1 of Section D 103.5 is amended to read:

1. The minimum clear width shall be 20 feet (6096mm).

   Exception: For access to one or two single-family dwellings, 16 feet clear width is acceptable.

Criteria 9 is added to Section D103.5, to read:

9. All gates shall be installed and located a minimum of 30 feet off the street.

Section D 103.6.1 is amended to read:

D103.6. 1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a fire lane.

Section Dl 03.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a fire lane.

Section D 106.1 is amended by deleting the exception and to read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D 106.2 is deleted in its entirety.

(Ord. No. 2022-34, § 2, 11-8-22)

Editor's note(s)—Ord. No. 2022-34, §§ 2, 3, adopted Nov. 8, 2022, repealed the former § 722-2.004, and enacted a new § 722-2.004 as set out herein. The former § 722-2.004 pertained to similar subject matter and derived from Ord. No. 2016-23, § 2, adopted Nov. 1, 2016.

722-2.006 References to prior code.

Unless superseded and expressly repealed, references in City forms, documents, and regulations to the chapters and sections of the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, 2019, shall be construed to apply to the corresponding provisions contained within the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, 2022. Ordinance 2019-37 and all other ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

(Ord. No. 2016-23, § 4, 11-1-16; Ord. No. 2022-34, § 4, 11-8-22)

722-2.008 Validity.

The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence, or word of this ordinance or of the 2022 California Fire Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination here from any portion or provision as may be declared invalid.

(Ord. No. 2016-23, § 5, 11-1-16; Ord. No. 2022-34, § 5, 11-8-22)

722-2.010 More restrictive requirements.

If requirements are more restrictive than those in this fire code are adopted by the city of Antioch, Bay Point, Bethel Island, Brentwood, Byron, Clayton, Concord, Discovery Bay, Knightsen, Lafayette, Martinez, Oakley, Pittsburg, Pleasant Hill, San Pablo, or Walnut Creek, or the County of Contra Costa, those requirements will apply only within the jurisdiction adopting those requirements.

(Ord. No. 2016-23, § 6, 11-1-16; Ord. No. 2022-34, § 6, 11-8-22)

Title 8
ZONING

Division 82 GENERAL REGULATIONS

Chapter 82-1 65/35 LAND PRESERVATION PLAN

82-1.002 New general plan.

The county shall adopt a new general plan by December 31, 1990 (the "new general plan") or as soon thereafter as possible, in compliance with all applicable laws and regulations.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.004 65/35 land preservation plan.

The policies contained in this chapter shall be reflected in the new general plan, as ultimately adopted by the board of supervisors in accordance with the California Environmental Quality Act and State Planning Law.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.006 65/35 land preservation standard.

Urban development in the county shall be limited to no more than thirty-five percent of the land in the county. At least sixty-five percent of all land in the county shall be preserved for agriculture, open space, wetlands, parks and other nonurban uses.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.008 Changes to the 65/35 land preservation plan.

No change shall be made in the new general plan after its adoption that would result in greater than thirty-five percent of the land in the county being permitted for urban development. This limitation shall not prevent any increase in agriculture, open space, parks, wetlands or other nonurban uses to greater than sixty-five percent of the land in the county.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.010 Urban limit line.

To ensure the enforcement of the 65/35 standard set forth in Section 82-1.006, an urban limit line shall be established, in approximately the location depicted on the "Contra Costa County Urban Limit Line Map" adopted by the voters on November 7, 2006. The urban limit line is incorporated into the county's open space conservation

plan. The urban limit line limits potential urban development in the county to thirty-five percent of the land in the county and prohibits the county from designating any land located outside the urban limit line for an urban land use. The criteria and factors for determining whether land should be considered for location outside the urban limit line should include (a) land which qualifies for rating as Class I and Class II in the Soil Conservation Service Land Use Capability Classification, (b) open space, parks and other recreation areas, (c) lands with slopes in excess of twenty-six percent, (d) wetlands, and (e) other areas not appropriate for urban growth because of physical unsuitability for development, unstable geological conditions, inadequate water availability, the lack of appropriate infrastructure, distance from existing development, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors.

(Ords. 2006-06 § 3, 91-1 § 2, 90-66 § 4).

82-1.012 Growth management.

In accordance with the Contra Costa Transportation Improvement and Growth Management Program adopted on August 3, 1988, the county shall manage growth by allowing new development only when infrastructure and service standards are met for traffic levels of service, water, sanitary sewer, fire protection, public protection, parks and recreation, flood control and drainage and other such services. Land located inside the urban limit line may be considered for changes in designated land uses, subject to county growth management policies and any other applicable requirements. Location of land within the urban limit line shall provide no guarantee that the land may be developed. If land is developed within the urban limit line, a substantial portion of this land shall be retained for open space, parks and recreational uses.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.014 Agricultural protection policies; minimum parcel sizes.

The county shall establish standards and policies designed to protect the economic viability of agricultural land. These standards and policies shall include a minimum parcel size for prime productive agricultural land located outside the urban limit line to forty acres. These standards and policies may also include, but shall not necessarily be limited to, preservation agreements, conservation easements, clustering, establishment of an agricultural soils trust fund, and agricultural mitigation fees.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.016 Hillside protection.

Development on open hillsides and significant ridgelines throughout the county shall be restricted and hillsides with a grade of twenty-six percent or greater shall be protected through implementing zoning measures and other appropriate actions.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.018 Changes to the urban limit line.

(a) There shall be no change to the urban limit line that violates the 65/35 standard set forth in Section 82-1.006. Except as otherwise provided in this section, as long as there is no violation of the 65/35 standard, the urban limit line can be changed by a four-fifths vote of the board of supervisors after holding a public hearing and making one or more of the following findings based on substantial evidence in the record:

(1) A natural or human~~man~~-made disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the urban limit line;

(2) An objective study has determined that the urban limit line is preventing the county from providing its fair share of affordable housing, or regional housing, as required by state law, and the board of supervisors finds that a change to the urban limit line is necessary and the only feasible means to enable the county to meet these requirements of state law;

(3) A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement;

(4) A minor change to the urban limit line will more accurately reflect topographical characteristics or legal boundaries;

(5) A five-year cyclical review of the urban limit line has determined, based on the criteria and factors for establishing the urban limit line set forth in Section 82-1.010 above, that new information is available (from city or county growth management studies or otherwise) or circumstances have changed, warranting a change to the urban limit line;

(6) An objective study has determined that a change to the urban limit line is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further the county's aviation related needs; or

(7) A change is required to conform to applicable California or federal law.

(b) Except as otherwise provided in this subsection, any proposed general plan amendment that would expand the urban limit line by more than thirty acres will require voter approval of the proposed general plan amendment in addition to and following a four-fifths vote of the board of supervisors approving the general plan amendment and making one or more of the findings required by subsection (a) of this section. Notwithstanding the foregoing, a proposed general plan amendment to expand the urban limit line by more than thirty acres does not require voter approval if, after a public hearing, the board of supervisors by a four-fifths vote makes either of the following findings based on substantial evidence in the record: (i) the expansion of the urban limit line is necessary to avoid an unconstitutional taking of private property; or (ii) the expansion of the urban limit line is necessary to comply with state or federal law. Proposed expansions of thirty acres or less do not require voter approval.

(c) The board of supervisors may conduct a cyclical review of the urban limit line every five years.

(d) The board of supervisors will review the boundary of the urban limit line in the year 2016. The purpose of the year 2016 review is to determine whether a change to the boundary of the county's urban limit line map is warranted, based on facts and circumstances resulting from the county's participation with the cities in a comprehensive review of the availability of land in Contra Costa County sufficient to meet housing and job needs for twenty years. This review of the urban limit line is in addition to any other reviews of the urban limit line the board of supervisors may conduct.

(e) Any change to the urban limit line proposed as a result of any review authorized by this section will not be effective unless it is approved pursuant to the procedures set forth in this section.

(Ords. 2006-06 § 4, 91-1 § 2, 90-66 § 4).

82-1.020 Annexations and incorporations.

The local agency formation commission ("LAFCO") shall be advised to (1) respect and support the county's 65/35 preservation standard, urban limit line and growth management standards when considering requests for incorporation or annexation to cities or service districts, (2) apply the stricter of the growth management standards of either the county, the incorporating city or the annexing city or service district, when considering requests for incorporation or annexations of land to cities or service districts, and (3) require unincorporated land located within the urban limit line that is included in the incorporation of a new city or annexed to a city to provide a fair share of affordable housing when and if such land is developed.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.022 Housing.

As required by the State Planning Act, the county shall periodically review and update the new general plan to conform to state housing requirements and to ensure its capacity to accommodate a variety of housing types and prices throughout the county. In accordance with the provisions of Section 82-1.018, the board of supervisors may make findings of necessity that the urban limit line should be changed to allow the county to meet its fair share of affordable housing and other state housing requirements.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.024 Cooperation with cities.

To the extent feasible, the county shall enter into preservation agreements with cities in the county designed to preserve certain land in the county for agriculture and open space, wetlands or parks.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.026 Application to projects prior to adoption of new general plan.

From the effective date of Ordinance 90-66 to the adoption of the new general plan, prior to issuing a permit for any project or adopting any legislation which requires an initial study under the California Environmental Quality Act, and prior to issuing a permit for any demolition, conversion, or change or use, and prior to taking any action which requires a finding of consistency with the general plan, the county shall adopt findings as to whether or not the proposed project or legislation is consistent with the policies established in this chapter.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.028 Duration.

The provisions of this chapter shall be in effect until December 31, 2026, to the extent permitted by law.

(Ords. 2006-06 § 5, 91-1 § 2, 90-66 § 4).

82-1.030 No violation of law by this chapter.

(a) Nothing in this chapter shall be construed or interpreted in such a manner as to operate to deprive any landowner of substantially all of the market value of the landowner's ~~his or her~~ property or otherwise

constitute an unconstitutional taking without compensation. If application of any of the provisions of this chapter to any specific project or landowner would create an unconstitutional taking, then the board of supervisors may allow additional land uses, otherwise adjust permit requirements or take such other actions to the extent necessary to avoid what otherwise might be construed to be a taking. Any such additional land uses or other adjustments shall be designed to carry out the goals and provisions of this chapter to the maximum extent feasible.

(b) Nothing contained in this chapter shall constitute an amendment of the existing general plan. Upon approval of this chapter by the voters, the county shall take all necessary and appropriate steps to reflect the policies of the 65/35 land preservation plan in the new general plan for the county, consistent with the requirements of CEQA and the State Planning Law. Nothing contained herein shall prevent the county from complying with applicable requirements of state law relating to the adoption and amendment of general plans.

(Ords. 91-1 § 2, 90-66 § 4).

82-1.032 Definitions.

(a) As used in this chapter, the phrase "land within the county" shall mean all of the acreage within the boundaries of Contra Costa County except the water area of the county west of Stake Point.

(b) As used in this chapter, the term "nonurban uses" shall mean rural residential and agricultural structures allowed by applicable zoning and facilities for public purposes, whether privately or publicly funded or operated, which are necessary or desirable for the public health, safety or welfare or by state or federal law.

(Ords. 91-1 § 2, 90-66 § 4).

Chapter 82-2 GENERAL PROVISIONS

82-2.002 Adoption.

Divisions 82 and 84 are adopted under the provisions of Section 6.6 of the State Planning Act as amended. It follows the adoption of that portion of the master plan known as the land use master plan of Contra Costa County, state of California, by a resolution of the board of supervisors of the county of Contra Costa, state of California, adopted on December 10, 1945, in accordance with law, after receipt from the county planning commission of precise plans for all unincorporated territory of the county mentioned and described in Divisions 82 and 84, and recommendations from the planning commission to the board of supervisors made after public hearings held after due notice in the manner and form provided by law, duly certified to the board of supervisors, and accompanied by a report of findings, summary of hearings and recommendations of the planning commission; at a public hearing by the board of supervisors held after due notice in accordance with law, certain changes in the master plans were proposed, and the board referred them to the planning commission for its report; the commission filed its report with the board, as required by law, and the board accepted and approved the report as filed. This board now finds as a fact that it is advisable to adopt the following precise plans and regulations of land use in the districts and areas hereby established as part of a comprehensive long-term general plan for the physical development of the territory in the unincorporated area of this county, to conserve and promote the public health, safety and general welfare of its inhabitants.

(Prior code § 8100: Ord. 382).

82-2.004 Application.

Division 82 and 84 apply to and regulate all private and/or public uses of private and/or public land within the unincorporated territory of this county.

(Ord. 75-15: prior code § 8101: Ord. 918 § 3 [382 § 16]).

82-2.006 Violations and enforcement.

(a) Each of the following is unlawful and a public nuisance:

(1) Any use of land for a purpose not authorized by or contrary to Title 8.

(2) Any building or structure erected, constructed, altered, moved, or maintained contrary to Title 8.

(3) The failure to comply with any term, limitation or condition of any use permit, variance, special permit, or other permit issued under authority of Title 8.

(b) If a violation of any provision of Title 8 or any permit condition occurs, the county may seek compliance by any remedy allowed under this code and any other remedy allowed by law.

(Ord. 2008-04 § 6: prior code § 8104: Ord. 382).

82-2.008 Building height restrictions.

The limits of heights of structures established in Division 84 for any district shall not apply to chimneys, stacks, fire towers, radio towers, television towers, water towers, windmills, oil and gas well derricks, monuments, flag poles, telephone poles, telegraph poles, silos, water tanks, and necessary mechanical appurtenances attached to buildings. In all cases parapet or fire walls on buildings or structures otherwise conforming to the regulations established in Division 84 may be constructed not higher than three feet.

(Ord. 85-62 § 2: prior code § 8114: Ord. 382).

82-2.010 Utilities and pipelines.

(a) Except as otherwise provided in this section, the use of land for rights-of-way for the construction and repair of public utilities and publicly owned utilities and for privately owned pipelines for the transmission of oil, gas, water, and other substances transportable by pipelines, is not regulated or restricted by Divisions 82 and 84; and accessory and appurtenant structures forming a part of public utilities, publicly owned utilities, and pipelines are not regulated or restricted by Divisions 82 and 84, except for setback regulations.

(b) Development projects involving hazardous waste and hazardous materials are subject to the requirements of Chapter 84-63.

(c) Wireless telecommunication facilities are subject to the requirements of Chapter 88-24.

(Ord. No. 2016-11, § IV, 5-24-16; Prior code § 8120: Ord. 382).

82-2.014 Drainage requirements.

Drainage facilities shall be installed under a permit issued pursuant to this title, adequate to meet and comply with the drainage design standards and requirements set forth in Division 914.

A permit for the installation of drainage facilities will not be issued until applications, plans and exhibits for such facilities are submitted which comply with the requirements of this section and Divisions 82 and 84.

(Ord. 2010: prior code § 8124).

82-2.016 Rezones to residential districts.

All those lands now zoned A-1, A-2 or A-3 which are within two hundred feet of any lands zoned as H-I, L-I, C-M or W-3 and which are being changed to any residential district shall be subject to further review and approval by the planning commission as to the location of land uses and site development plan for any authorized use so as to provide protection for and development compatible to adjacent land use districts.

(Ord. 67-58 § 2, 1967: prior code § 8125).

82-2.018 Zoning districts for open space.

To comply with the Government Code Section 65910 the following zoning districts are deemed to be zoning districts for open space when applied in conformance with the open space policies of the county general plan: Agricultural preserve district (A-4), heavy agricultural district (A-3), general agricultural district (A-2), exclusive agricultural districts (A-20, A-40 and A-80), and forest recreation district (F-R). This section neither limits the use of these zoning districts to the implementation of general plan open space policies, nor precludes the planning agency from adopting additional ordinances to implement those policies.

(Ord. 80-35, 74-23).

82-2.020 Water and sewage requirements.

Water supply and sewage systems and/or facilities required for any use, construction, structure, or other development to be established under a permit issued pursuant to this title shall comply with Chapters 414-4 and 420-6 of this code and the health officer's approval.

(Ord. 81-56 § 4).

82-2.022 Reserved.

Editor's note(s)—Ord. No. 2017-26, § III, adopted October 24, 2017 repealed § 82-2.022 in its entirety. Former § 82-2.022 pertained to "Prohibited uses," and was derived from Ord. No. 2008-05 § 2.

Chapter 82-4 DEFINITIONS

Article 82-4.2. Definitions Generally

82-4.202 Construction.

The definitions in this article and certain other sections of Divisions 82 and 84 govern the construction of Title 8, unless the context otherwise requires.

(Ords. 79-7 § 5, 1781, 1760, 1759, 1569, 1469: prior code § 8102: Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.204 Tenses.

Unless the natural construction of the word indicates otherwise, the present tense includes the future and the plural number the singular.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(a): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.206 Agriculture.

"Agriculture" means the tilling of soil, the raising of crops, horticulture, dairying, and the raising and managing of livestock, including all uses customarily incident but not including slaughterhouses, fertilizer yards, bone yards, plants for the reduction of animal matter, or any other industrial use which may be objectionable because of odor, smoke, dust, or fumes.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(d): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.208 Apartment unit.

"Apartment unit" means a separate suite, including kitchen facilities, designed for and occupied as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(cc): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.209 Aviary.

"Aviary" means a coop, cote, pen, cage, or other similar enclosure, used to house one or more birds (including pigeons) other than poultry.

(Ord. 77-51 § 1).

82-4.210 Building.

"Building" means any structure with a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(f): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.212 Building, accessory.

"Accessory building" is a building the use and size of which is subordinate and incidental to that of a main building on the same lot. In addition, no accessory building shall exceed:

(1) Five hundred square feet of floor area coverage on lots less than twenty thousand square feet in area and six hundred square feet of floor area coverage on lots greater than twenty thousand square feet in area;

(2) Fifteen feet in height.

(Ords. 96-4 § 1, 1781, 1760, 1759, 1569, 1469: prior code § 8102(g): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.214 Building height.

"Building height" means the vertical distance measured from grade to the top of structure directly above with exceptions noted elsewhere in the code. Height may be measured from finished grade when such grade is below natural grade. Height shall be measured from natural grade when the finished grade is higher than natural grade.

(Ords. 96-4 § 2, 1781, 1760, 1759, 1569, 1469: prior code § 8102(pp): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.216 Business, retail.

"Retail business" means the sale, barter, and exchange of retail goods, wares, merchandise, services, or other personal or real property or any interest in them for profit or livelihood.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(r): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.218 Cemetery.

"Cemetery" means land which is used or dedicated for any one, or a combination of more than one, of the following land uses:

(1) A burial park for earth interments;

(2) A mausoleum for crypt or vault interments;

(3) A columbarium for cinerary interments.

(Ords. 1781, 1760, 1759, 1569, 1513, 1469: prior code § 8102(mm): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.220 Kennel.

(a) "Kennel" means any lot, building, structure, enclosure, or premises where one or more dogs or cats are kept or maintained for commercial purposes, excluding places where veterinarians board animals for medical care only; or where over twenty dogs or over twenty cats over the age of six months are owned or kept;

(b) Whenever "commercial dog kennel" is used in Title 8 of this ordinance code, it refers to "kennel" as defined in this section.

(Ords. 80-98 § 2, 1781, 1760, 1759, 1569, 1469: prior code § 8102(kk): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.221 Contractor's yard.

"Contractor's yard," including corporation yard, public utility yard or general service yard, means buildings and premises used for the storage and maintenance of equipment and materials involved in construction, installation, maintenance, and/or landscaping, on other property.

(Ord. 76-36 § 1).

82-4.222 County boundary.

"County boundary" means the boundary of this county and the boundary of any incorporated municipality within this county.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(c): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.224 Court.

"Court" means an open space, other than a yard, on the same lot with a building or buildings, which is unoccupied and unobstructed from the ground upward.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(ee): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.226 Court, inner.

"Inner court" means a court enclosed either in whole or part on all sides by buildings.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(gg): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.228 Court, outer.

"Outer court" means a court which extends to a street line or extends to or opens on a front, side, or rear yard.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(ff): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.230 District.

"District" is a portion of the unincorporated territory of the county within which certain uses of land, buildings, and structures are permitted; certain other uses of land, buildings, and structures are not permitted; portions of certain yards and other open spaces are required, and certain minimum lot areas and maximum heights are established for buildings and structures, under the regulations of Divisions 82 and 84.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(h): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.232 Dog fancier.

"Dog fancier" is a person owning, maintaining or keeping four or more dogs over the age of six months:

(1) As pets;

(2) For showing in recognized dog shows, field trials or obedience trials;

(3) For working and hunting; or

(4) For improving the variety of breed in temperament or conformation with a view to exhibition in shows or trials or for use as working dogs in hunting.

(Ords. 92-25 §2, 1781, 1760, 1759, 1744, 1569, 1469: prior code § 8102(ll): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.234 Duplex.

"Duplex" means a detached building or part of it, designed for occupation as the residence of two families living independently of each other.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(j): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.236 Family.

"Family" means an:

(1) Individual; or

(2) Two or more persons related by blood, marriage, or legal adoption; or

(3) A group of not more than five persons, excluding servants, who are not related by blood, marriage or legal adoption, living together as a single nonprofit housekeeping unit in a dwelling unit as distinguished from a hotel, club, fraternity or sorority house, dormitory or boardinghouse. A "family" includes necessary servants.

(Ords. 68-25 § 1, 1781, 1760, 1759, 1569, 1469: prior code § 8102(1): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.238 Reserved.

Editor's note(s)—Ord. of 2018-06, § III, adopted May 1, 2018, repealed § 82-4.238 in its entirety. Former § 82-4.238 pertained to "Farming, small," and was derived from Ord. No. 1781; Ord. No. 1760; Ord. No. 1759; Ord. No. 1569; Ord. No. 1469; prior code § 8102(s); Ord. No. 1269; Ord. No. 1264; Ord. No. 1224; Ord. No. 939; Ord. No. 933 and Ord. No. 382.

82-4.240 Reserved.

Editor's note(s)—Ord. No. 2013-12, § III, adopted April 16, 2013, repealed § 82-4.240, which pertained to the definition of home occupation and derived from Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(m): Ords. 1269, 1264, 1224, 939, 933, and 382.

82-4.242 Hotel.

"Hotel" means a building or part of it containing six or more guest rooms designed, intended to be used, or used by six or more persons for money, goods, services, or other compensation. Excepted are buildings where occupants are housed or detained under legal restraint, buildings for the refuge, maintenance, or education of needy, aged, infirm, or young persons, and buildings where patients or injured persons receive medical or surgical treatment.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(n): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.244 Lot—Definition, dimensions, area, private road structure setbacks.

(a) Defined. "Lot" means a piece, parcel, tract, or division of land, including one delineated or described as a single integral unit on a subdivision map, and two or more considered as one pursuant to Section 82-10.002(c).

(b) Lawful Lot. To qualify as a building site, a lot shall have the minimum dimensions required therefor by Divisions 82 and 84 for the district where it is situated.

(c) Right-of-Way Excluded. No part, nor all, of a lot within a public road, street, highway, right-of-way, or easement, for vehicles or pedestrians, existing or proposed, shall be used to satisfy minimum area, yard, dimensional or coverage requirements.

(d) For lots less than forty thousand square feet in size on private roads, for purposes of measuring primary and secondary front yard setbacks, such setbacks shall be measured from the edge of the easement line of the

private road abutting such lot or, if there is no recorded easement, then, from the abutting edge of such private road established by use.

(Ords. 99-12 § 2: 79-69 § 1, 71-99 § 3, 1469: prior code § 8102(o): Ords. 939, 932 § 2, 382 § 2[14]: see §§ 92-4.046, 92-4.062).

82-4.246 Lot, average width.

"Average width of a lot" is the total area of the lot divided by the depth of the lot.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(bb): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.248 Lot depth.

"Depth of a lot" is the distance normal to the frontage to the point of the lot farthest from the frontage.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(z): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.250 Lot frontage.

"Frontage" of a lot is the distance measured between the two points on the principal road, street, or access that are farthest apart.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(aa): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.252 Motel.

"Motel" means detached or attached dwelling units providing automobile storage space for each dwelling unit and providing transient living accommodations primarily for automobile travelers.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(ii): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.254 Multiple family building.

"Multiple family building" is a detached building designed and used exclusively as a dwelling by three or more families occupying separate suites or apartments.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(k): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.256 Multiple family building group.

"Multiple family building group" means two or more detached single-family buildings, duplexes, or multiple family buildings occupying a parcel of land in one ownership, with common yards.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(hh): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.258 One-family dwelling.

"One-family dwelling" means a detached building or part of it, designed for occupation as the residence of one family.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(i): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.260 Right-of-way.

"Right-of-way," also referred to as a "public right-of-way," means all land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public for road or highway purposes.

(Ord. No. 2022-03, § IV, 5-24-22; Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(qq): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.262 Sign.

"Sign" means any structure, display, device, or graphic on or attached to any land, building, or structure, that communicates or intends to communicate any message, or that advertises or promotes any business, product, activity, person, or interest. (Ord No. 2022-03, § V, 5-24-22; Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(qq): Ords. 1269, 1264, 1224, 939, 933, 382.)

82-4.264 Sign Structure.

"Sign structure" means any structure the primary purpose of which is to support a sign.

(Ord. No. 2022-03, § VI, 5-24-22; Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(rr): Ords. 1269, 1264, 1224, 939, 933, 382.)

82-4.266 Story.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade at any point, such basement or cellar shall be considered a story.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(nn): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.268 Story, half.

"Half story" means that portion of a building under a gable, hip or gambrel roof, the top wall plat of which on at least two opposite exterior walls are not more than three feet above the floor of such building portion.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(oo): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.270 Structure.

"Structure" means anything constructed or erected on and permanently attached to land, except:

(1) Buildings defined in Section 82-4.210;

(2) Fences with a maximum height of seven feet, or retaining walls with a maximum height of three feet, or any combination thereof not over seven feet high;

(3) Sidewalks, gateways, pipes, meters, meter boxes, manholes, and mailboxes; and

(4) Poles, wires, pipes and other devices, and their appurtenant parts, for the transmission or transportation of electricity and gas for light, heat or power, or of telephone and telegraphic messages, or of water.

(Ord. No. 2018-15, § II, 6-26-18; Ord. 74-22: prior code § 8102(t): Ord. 382 § 2(18)).

82-4.272 Suburban apartment building.

"Suburban apartment building" means a detached building designed and used exclusively for dwelling purposes by families occupying separate suites or apartment units, but not more than six suites or apartment units shall be contained in one detached building.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(dd): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.274 Suburban apartment building group.

"Suburban apartment building group" means two or more detached single-family buildings, duplexes, or suburban apartment buildings occupying a parcel of land in one ownership, with common yards.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(jj): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.276 Transit-mix plant.

"Transit-mix plant" means a use of land and equipment incidental to the erection, maintenance, and use of plants, including fixtures and machinery, for the handling, sorting, shipment, transshipment, storage, mixing, and grading of building materials, including sand, gravel, and cement but not including hot tar, asphalt, or other similar bitumens. A "transit-mix plant" includes buildings, structures, bins, chutes, bunkers, silos, hoists, elevators, hoppers or conveyors designed, intended for and used in the preparation of concrete ready-mix for shipment in trucks and transit-mixers from the premises.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(y): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.278 Use, accessory.

"Accessory use" means a use incidental and accessory to the principal use of a lot, or a use accessory to the principal use of a building located on the same lot.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(e): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.280 Use, nonconforming.

"Nonconforming use" means a use of land, building or structure on land that does not conform to Divisions 82 and 84 for the district in which it is situated.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(p): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.282 Yard.

"Yard" means an open space other than a court, on the same lot with the building, which open space is occupied from the ground upward to the sky, except as otherwise provided in Divisions 82 and 84. In determining the dimensions of a yard as provided in Divisions 82 and 84, the "line of the building" means a line drawn parallel to the nearest lot line through the point of a building which is the nearest building to the lot line, without regard to parts of the building designated in Divisions 82 and 84 as parts not to be considered in measuring yard dimensions.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(u): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.284 Yard, front.

"Front yard" means an open area extending across the front of a lot, measured toward the rear of the lot to the nearest line of any building on it. If any setback is established by Divisions 82 and 84 for a lot, the area between the setback line and the boundary line that determines the position of the setback line shall constitute the front yard of the lot.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(v): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.286 Yard, rear.

"Rear yard" means an open area extending across the rear of a lot, measured from the rear line toward the front to the nearest line of any building on the lot.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(w): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.288 Yard, side.

"Side yard" means an open area between each line of a lot and the nearest line of any building on the lot and extending from the front line to the rear line of the lot.

(Ords. 1781, 1760, 1759, 1569, 1469: prior code § 8102(x): Ords. 1269, 1264, 1224, 939, 933, 382).

82-4.290 Basement.

"Basement" means any area in a building or structure where the finished floor directly above the area is less than six feet above preconstruction grade or finished grade, whichever is lower.

(Ord. 2004-46 § 3).

82-4.292 Reserved.

Editor's note(s)—Ord. No. 2017-26, § IV, adopted October 24, 2017 repealed § 82-4.292 in its entirety. Former § 82-4.292 pertained to "Medical marijuana dispensary," and was derived from Ord. No. 2008-05 § 3.

82-4.294 Manufactured home.

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on-site, is three

hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this section except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., section 5401 et seq.). "Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974.

(Ord. No. 2009-12, § V, 5-19-09)

82-4.296 Mobile home.

"Mobile home" means a structure transportable in one or more sections, designed and equipped for human habitation and to be used with or without a foundation system. For purposes of this code, the term "mobile home" includes a manufactured home but does not include a recreational vehicle.

(Ord. No. 2009-12, § VI, 5-19-09)

82-4.298 Recreational vehicle.

"Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, camp car, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:

(1) It contains less than three hundred twenty square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains four hundred square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer, as defined in Health and Safety Code section 18009.3.

(Ord. No. 2009-12, § VII, 5-19-09)

82-4.300 Travel trailer.

"Travel trailer" means a vehicle, other than a motor vehicle, that is designed for human habitation and for travel or recreational purposes, which does not at any time exceed eight feet in width and forty feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the California Vehicle Code.

(Ord. No. 2009-12, § VIII, 5-19-09)

82-4.302 Vessel.

"Vessel" means every description of watercraft used or capable of being used as a means of transportation on water, including, but not limited to, a boat, motorboat, rowboat, sailboat, canoe, kayak, personal watercraft, recreational vessel, or a similar conveyance.

(Ord. No. 2009-12, § IX, 5-19-09)

82-4.304 Vessel trailer.

"Vessel trailer" means a vehicle designed for carrying a vessel or vessels on its structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.

(Ord. No. 2009-12, § X, 5-19-09)

82-4.316 Emergency shelter.

"Emergency shelter" has the same meaning set forth in Health and Safety Code section 50801, subdivision (e).

(Ord. No. 2014-11, § II, 11-4-14)

82-4.318 Single room occupancy (SRO).

"Single room occupancy" or "SRO" means housing consisting of single-room dwelling units that serve as the primary residences of those units' occupants.

(Ord. No. 2014-11, § III, 11-4-14)

82-4.320 Poultry.

"Poultry" means one or more domesticated birds or roosters customarily kept for the production of eggs or meat for commercial use.

(Ord. No. 2018-06, § XVI, 5-1-18)

82-4.322 Rooster.

"Rooster" means any male chicken that:

(1) Is six months or older,

(2) Has full adult plumage, or

(3) Is capable of crowing.

(Ord. No. 2018-06, § XVII, 5-1-18)

82-4.324 Supportive housing.

"Supportive housing" has the meaning set forth in Government Code section 65582.

(Ord. No. 2017-14, § III, 9-19-17)

Editor's note(s)—Ord. No. 2017-14, § III, adopted September 19, 2017, set out provisions for use herein as § 82-4.316. Inasmuch as a § 82-4.316 already existed at the time of codification, those provisions have been included as § 82-4.324, to read as set out herein.

82-4.326 Transitional housing.

"Transitional housing" has the meaning set forth in Government Code section 65582.

(Ord. No. 2017-14, § IV, 9-19-17)

Editor's note(s)—Ord. No. 2017-14, § III, adopted September 19, 2017, set out provisions for use herein as § 82-4.318. Inasmuch as a § 82-4.318 already existed at the time of codification, those provisions have been included as § 82-4.326, to read as set out herein.

Article 82-4.4. Map Symbols

82-4.402 Synonymous symbols and phrases.

(a) "Single-family residential district" is synonymous with "single-family residential district-6," and map symbol "R-1" is synonymous with "R-6."

(b) "Single-family residential district" is synonymous with "single-family residential district-7," and map symbol "R-1-A" is synonymous with "R-7."

(c) "Residential suburban district" is synonymous with "single-family residential district-10," and map symbol "R-S" is synonymous with "R-10."

(d) "Single-family residential district-B" is synonymous with "single-family residential district-15," and map symbol "R-1-B," is synonymous with "R-15."

(e) "Suburban district" is synonymous with "single-family residential district-40," and map symbol "S" is synonymous with "R-40."

(f) "Small farms district" is synonymous with "light agricultural district," and map symbol "S-F" is synonymous with "A-1."

(g) "General agricultural district" is synonymous with "agricultural district," and map symbol "A" is synonymous with "A-2."

(h) Map symbol "R-2" is synonymous with "D-1."

(i) "Transition residential agricultural district" is synonymous with "single-family residential district," and map symbol "R-A" is synonymous with "R-20," and all such property shall be regulated by Chapter 84-14.

(j) "Recreational residential district" is synonymous with "water recreational district" and map symbol "R-R" is synonymous with map symbol "F-1."

(k) The map symbols for the multiple residential districts are changed to conform with "M-4" as used in Chapter 84.30, as follows: "M-R" is changed to "M-1," "M-R-A" is changed to "M-2," and "M-R-B" is changed to "M-3."

(Ords. 72-44 § 2, 68-30 § 2, 67-38 § 2, 2032 § 1, 1966, 1762: prior code § 8103: Ords. 1406, 1179).

Chapter 82-6 LAND USE PERMITS[1]

82-6.002 Qualified applicant.

A qualified applicant may apply for a land use permit to apply to land in any land use district established in Division 84, for one or more of the uses for which land use permits may be granted in the district. A "qualified applicant" is any person having a freehold interest in land, a possessory interest entitling the person~~him~~ to exclusive possession, or a contractual interest which may become a freehold or exclusive possessory interest and is specifically enforceable. An application shall be filed with the planning department.

A modification or variance in the requirements of lot area, side yards, height, or setback necessary to the consideration of a tentative map of a subdivision shall be considered and granted or denied as an exception, under Title 9; notice of the hearing of the exception shall be given as for notice of the hearing on an application for a land use permit.

(Prior code § 8106(a): Ord. 1268: Ord. 918).

82-6.004 Administration—Board of adjustment.

The board of adjustment shall administer land use permits.

(Prior code § 8106(b): Ord. 1268: Ord. 918).

82-6.006 Modification or variance administration.

The planning commission shall administer modification or variance in lot area, side yard, height, or setback necessary to the consideration of the tentative map of a subdivision.

(Prior code § 8106(c): Ord. 1268: Ord. 918).

82-6.008 Junkyards.

A junkyard, as defined in Section 88-4.206, may be established, on the issuance of a land use permit, in any of the following land use districts: C general commercial district, L-I light industrial district, H-I heavy industrial district, and U unrestricted districts.

(Prior code § 8106(d): Ord. 1268: Ord. 918).

[1]Cross reference(s)—For uses requiring land use permits for specific land use districts, see Chapters 84-4 ff., this code.

Chapter 82-8 NONCONFORMING USES

82-8.002 Defined.

Any lawful use of land or buildings existing at the time Divisions 82 and 84 becomes effective, which use does not conform to the provisions of Divisions 82 and 84, shall be a nonconforming use and shall not be in violation of Divisions 82 and 84 until the use is discontinued or ceases for any reason.

(Prior code § 8107(a): Ord. 431).

82-8.004 Repair—Rebuilding.

If any building or structure constituting a nonconforming use is destroyed or damage by fire, explosion, act of God or the public enemy, or other accident or catastrophe, after the effective date of Divisions 82 and 84, or if an existing use of land is temporarily terminated for any of these reasons, the building or structure may not be repaired or rebuilt if damaged in excess of fifty percent of its reasonable market value at the time of destruction or damage. Any existing nonconforming use of land which is interrupted by any of these causes may lawfully be resumed within six months of the interruption.

(Prior code § 8107(b): Ord. 431).

82-8.006 Extension—Enlargement.

An existing nonconforming use may be extended or enlarged if the owner first obtains a land use permit.

(Prior code § 8107(c): Ord. 431).

*Chapter 82-10 LOTS**

82-10.002 Division and consolidation.

(a) Conveyance and Division Restriction. No person shall divide or convey a lot or portion thereof, if this results in one or more lots violating the width, yard, or setback requirements of Divisions 82 and 84, unless a variance has been granted in accordance with county ordinance code variance provisions.

(b) Land Satisfying Requirements. Land used to satisfy the area, width, yard, or setback requirements for one dwelling unit cannot satisfy those requirements for another unit.

(c) Small Lot Occupancy. Any lot of less area or width than required by Divisions 82 and 84 may be occupied by a single-family dwelling and its accessory buildings if: (1) the yard and setback requirements of Divisions 82 and 84 are met, or a variance has been granted for yard and setback requirements, and (2) the lot is delineated on a recorded subdivision map, or at the time of the creation of the lot (as evidenced by recording date) or at any time since, the lot was consistent in width and area with the applicable zoning district or the lot was created prior to the application of zoning in its location. If a small lot qualifies for

occupancy by a single-family dwelling, then a building permit can issue unless the zoning administrator determines that the proposed dwelling appears not to be compatible with the surrounding neighborhood. If the zoning administrator makes that determination, the zoning administrator may, but is not required to, schedule a public hearing to review the proposed dwelling's compatibility with and impact on the surrounding neighborhood, in terms of its location, size, height and design. If a public hearing is scheduled, the notice provisions of Section 26-2.2004 shall apply. After such determination, at the conclusion of the hearing, or if no hearing is held, the zoning administrator may deny, approve or conditionally approve the proposed dwelling in order to provide neighborhood compatibility.

(Ords. 95-51 § 2, 92-44 § 2, 79-69 § 2: prior code § 8108: Ords. 1371, 1206, 933 § 1, 382, § 9 [2]: see § 82-4.244).

82-10.004 Required area reduced by public use.

If part of a lot or parcel of land having not less than the required area for its land use district is acquired for public use in any manner, including dedication, condemnation, or purchase, and if the remainder of the lot or parcel has not less than eighty percent of the area required for its land use district, the remainder shall be considered as having the required area, but setback, side yard, and rear yard requirements shall be met. If a lot or parcel of land has an authorized nonconforming status as to area under any county ordinance, the parcel shall retain its nonconforming status if the acquisition for public use does not reduce the remainder below eighty percent of the existing nonconforming area. The setback, side yard, and rear yard requirements of the land use district shall be met, except for buildings or structures in existence at the time of public acquisition.

(Prior code § 8109: Ord. 1054).

82-10.006 Land on district boundaries.

When any district boundary line divides a lot or parcel of land owned of record as one unit at the time Division 82 and 84 become effective, the regulations applicable to that part of the land lying within the least restricted district shall apply for thirty feet on the land beyond the district boundary.

(Prior code § 8110: Ord. 382).

Chapter 82-12 SETBACKS[2]

Article 82-12.2. Requirements

82-12.202 Generally.

On a corner lot the setback requirements applicable to the district in which the lot is located shall apply to all state highway, public road, and street frontages of the lot. The setback lines established by Divisions 82 and 84 shall apply wherever any boundary line of a lot or parcel of land is common with the boundary line of any state highway, public road, or street.

(Prior code § 8113: Ord. 382).

Article 82-12.4. Highway

[2]Cross reference(s)—For setback (front yard) provisions for specific land use districts, see Chapters 84-4 ff., this Code.

82-12.402 Generally.

(a) Prohibition. No building or structure (other than excepted structures as herein defined) shall hereafter be erected, constructed, or placed on any land in the unincorporated area of this county between the highway setback lines hereby established and the common boundary line of the land and any state highway or public road in this county. The highway setback lines shall be lines parallel to the boundary lines of highways and public roads. In determining the location of highway setback lines the distance from the boundary of the state highway or public road to the setback line shall be measured inward on the land, at right angles to the boundary lines. The setback line on lands bounded on one or more sides by a state highway shall be five feet inward from each boundary line. The setback line on land bounded on one or more sides by a public road other than a state highway shall be ten feet inward from each boundary line.

(b) Exception. The prohibition in this subsection (a) shall not apply to a bus shelter erected or placed in accordance with an encroachment permit issued pursuant to Chapter 1002-2 of this code.

(Ord. 93-30 § 2, 1993: prior code § 8111(a): Ord. 382).

82-12.404 Modification of provisions.

Variance permits to modify the provisions of Section 82-12.402 may be granted in accordance with Chapter 26-2.

(Ord. No. 2018-15, § IV, 6-26-18; Prior code § 8111(b): Ord. 382).

82-12.406 Signs.

(a) Prohibition. Except as otherwise provided in this section, no sign or sign structure may be constructed or maintained between the highway setback lines and the boundary line of any state highway or public road.

(b) Exception. The prohibition in subsection (a) of this section does not apply to a sign or a sign structure constructed or placed in accordance with a sign permit issued under Chapter 88-6 of this code and an encroachment permit issued under Chapter 1002-2 of this code.

(Ord. No. 2022-03, § VII, 5-24-22; 93-30 § 3: prior code § 8111(c): Ord. 382.)

*Chapter 82-14 YARDS**

82-14.002 Obstructions in yard areas.

Every part of a required yard area shall be open and unobstructed to the sky, except that fire escapes, open stairways, chimneys, and the ordinary projections of sills, belt-courses, cornices, eaves, and ornamental features which do not obstruct the light and ventilation on any adjoining parcel of land shall not constitute obstruction nor violate required yard regulations.

(Prior code § 8115: Ord. 382).

82-14.004 Side yards on lots established before effective date.

Notwithstanding any other provisions of Divisions 82 and 84, side yards shall be permitted in any suburban district, transition residential-agricultural district, residential suburban district, single-family residential district,

multiple family residential district, multiple family residential district-A, recreational residential district, and forestry recreational district, according to the following table for any lot or parcel of land which was established by records in the office of the recorder before the effective date of Divisions 82 and 84 for the area or district in which the lot or parcel of land is situated:

Front Width of Lot	Minimum Aggregate Side Yard Allowed	Minimum Single Side Yard Allowed
100 feet or less but more than 80 feet	20 feet	10 feet
80 feet or less but more than 51 feet	15 feet	5 feet
51 feet or less but more than 41 feet	10 feet	5 feet
41 feet or less but more than 31 feet	8 feet	3 feet
31 feet or less	6 feet	3 feet

(Prior code § 8116).

82-14.006 Accessory uses in rear yards.

An accessory building or accessory use may occupy not more than thirty percent of a required rear yard.

(Prior code § 8117: Ord. 382).

82-14.008 Rear yard abutting on side yard.

In all single-family residential districts (map symbol R-1), multiple family residential districts (map symbol M-R), multiple family residential districts-A (map symbol M-R-A), residential suburban districts (map symbol R-S), transition residential-agriculture districts (map symbol R-A), and suburban districts (map symbol S), there shall be a rear yard of not less than five feet wherever the rear yard of a lot or parcel of land abuts on a side yard.

(Prior code § 8118).

Chapter 82-16 OFF-STREET PARKING[3]

Article 82-16.2. General

Article 82-16.4. Requirements

82-16.202 Purpose.

The purpose of this chapter is to provide a unified set of standards for off-street vehicle and bicycle parking to meet the needs of persons employed at, or making use of, each land use during peak hours of parking needs. This chapter is intended to encourage the use of features, design strategies, materials, products, and best construction practices that preserve natural resources, conserve water and energy, and maximize energy efficiency in the design of parking facilities. This chapter also is intended to balance the needs of pedestrians, vehicles, bicycles, and public transportation.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.204 Definitions.

For the purposes of this chapter, the following terms have the following definitions:

(a) "Angle of parking" refers to the angle of the parking space in relation to the curb fronting the parking space. A parking space with an angle of parking of zero degrees is parallel to the curb, and a parking space with an angle of parking of ninety degrees is perpendicular to the curb.

(b) "Driveway aisle" means the paved area within an off-street parking area that is used by vehicles to circulate within the parking area and access parking spaces.

(c) "Electric vehicle" or "EV" means a vehicle that is powered entirely or partially by electricity stored in batteries that must be recharged.

(d) "EV charging equipment" means permanently placed equipment and other components designed specifically to charge batteries of electric vehicles.

(e) "EV charging space" means a parking space that is located adjacent to EV charging equipment that can be used to charge an electric vehicle parking within that space.

(f) "Exclusive parking facility" means an off-street parking area that is restricted to use by specific persons during limited hours, or under limited circumstances. An exclusive parking facility includes: a parking area restricted for use by only patrons, visitors, and employees of a building or facility; and a parking area restricted for use by users and employees of a public transit service. An exclusive parking facility may be, but is not required to be, access-controlled, or available upon payment of a fee.

[3]Editor's note(s)—Ord. No. 2012-12, § II, adopted Oct. 16, 2012, amended Chapter 82-16 in its entirety to read as herein set out. Former Chapter 82-16, §§ 82-16.002—82-16.024, pertained to similar subject matter and derived from Ord. 2031 § 1(part), 1966, prior code § 8119(part), Ord. 1027, and Ord. 82-3, § 1.

(g) "Long-term bicycle parking" means a covered, access-controlled enclosure or access-controlled room that includes permanently-anchored bicycle racks, or lockable individual bicycle lockers, and that securely encloses one standard adult size 18-to-21-speed bicycle per locker.

(h) "Off-street parking area" or "parking area" means a paved area, other than a public street or public right-of-way that is permanently reserved for the parking of motor vehicles and, where provided, motorcycles and electric vehicles. It includes parking lots and parking structures, unless otherwise specified in this chapter, and excludes off-street loading spaces.

(i) "Short-term bicycle parking" means permanently-anchored bicycle racks (covered or uncovered), lockable bicycle rooms with permanently-anchored bicycle racks, or permanently-anchored bicycle lockers, that are accessible and usable by visitors, guests, and business patrons of the building or facility that it serves.

(j) "Solar energy system" means a photovoltaic solar collector, or other photovoltaic solar energy device, that has a primary purpose of providing for the collection and distribution of solar energy for the generation of electricity.

(k) "Tandem parking" means an area for two parked vehicles, where one vehicle is parked in-line directly behind the other vehicle and both vehicles are parked facing the same direction.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.206 General.

(a) Changes in Land Use. If a land use is proposed to be enlarged, or a proposed change in land use will require more off-street parking to be provided under this chapter, additional off-street parking spaces must be provided to meet the off-street parking requirements of this chapter that apply to the land use, as enlarged or changed. If a proposed change in any land use requires fewer parking spaces to be provided under this chapter than was required for the prior land use, then no change in the amount of off-street parking is required.

(b) Compliance as a Condition of Approval. No application for a building permit for the erection of a new structure, or for the enlargement of an existing structure, and no application for the development of a land use, will be approved unless the application demonstrates compliance with this chapter. If off-street parking or bicycle parking, or both, is required by this chapter, an application for a building permit or land use permit must include a parking area plan that identifies the parking area, the parking spaces and their dimensions, landscaping, lighting, and other features required by this chapter. The application must include a landscaping plan that identifies each plant type that will be used to meet the landscaping requirements of this chapter.

(c) Conflicts. If any requirement of this chapter conflicts with any off-street parking requirement specified elsewhere in Division 84, the requirement specified elsewhere in Division 84 governs.

(d) Requirements are Cumulative. The requirements of this chapter are in addition to all requirements of state law that apply to vehicles and parking, including those specified in the vehicle code.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.208 Computation.

(a) If the computation of required off-street parking spaces or bicycle parking spaces results in a fractional number, the fraction of one-half or more is counted as one, and a fraction of less than one-half is not counted.

(b) When an off-street parking requirement or bicycle parking requirement is based on the number of spaces per employee, the required number of parking spaces is calculated based on the greatest number of employees that will be on the premises at one time.

(c) When a parking requirement is based on the number of seats, and the seating provided is bench or pew seating, each twenty-four inches of bench or pew seating is considered one seat.

(Ord. No. 2012-12, § II, 10-16-12)

Article 82-16.4. Requirements

82-16.402 Location.

(a) Except as specified in subsection (b) of this section, off-street parking required by this chapter must be provided on the same lot as the land use that it serves, or, for shared parking, on the same lot as at least one of the land uses that it serves.

(b) Off-street parking may be allowed on a lot separate from the lot where the land use to be served by that parking is located if the zoning administrator finds both of the following:

(1) The lot on which the off-street parking will be located is owned or leased by the applicant; and

(2) The lot on which the off-street parking will be located is within two hundred feet of the lot where the land use to be served by that parking is located.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.404 Design and layout.

(a) Parking Area Design Requirements. Each parking area must meet the following parking area design requirements:

(1) General Requirements. Each off-street parking area must be designed with appropriate maneuvering areas and means of vehicular access to a street adjacent to or abutting the parking area. Each parking area must be designed to allow circulation of vehicles from one driveway aisle to another driveway aisle, or must provide, at the end of the driveway aisle, a turn-around area that is marked to prohibit parking and has a minimum area equivalent to one standard parking space.

(2) Access Requirements. If an off-street parking area does not abut a street, an access drive between the street and the parking area must be provided. The access drive must measure at least twelve feet wide if it will be used for one-way traffic, and at least twenty feet wide if it will be used for two-way traffic. Each entrance to and exit from an off-street parking area must be located and designed to provide efficient and safe traffic flow between the parking area and the street. If a driveway aisle intersects directly with the adjacent or abutting street, that intersection must be at least eighteen feet away from the parking space nearest to it. Each off-street parking area within a residential zoning district (R-, D-1, M-), commercial zoning district (O-1, A-O, C-B, N-B, R-B, C-, C-M), industrial zoning district (L-I, W-3, H-I), or planned unit zoning district (P-1), must be designed so that vehicles are not required to back out of the parking area onto an abutting or adjacent street. If a pedestrian sidewalk is adjacent to a parking space, at least five feet of width of the sidewalk must be unobstructed by any bumper overhang.

(3) Driveway Aisles. Each parking space in a parking area must be accessed by a driveway aisle. If parking spaces with different angles of parking are accessed by the driveway aisle, the required driveway aisle width is the largest driveway aisle width that would be required for any of those parking spaces.

Driveway aisle width is measured between the closest points of two parking spaces, or two curbs, or a parking space and a curb, that are directly opposite on each side of the driveway aisle.

(4) Changes in Grade. When there is a change in grade between a parking area and an abutting or adjacent street, the gradient of each access point or access driveway may be up to a five percent gradient with no transitions. For a gradient greater than five percent, a twenty-foot long transition with a gradient of no more than five percent must be provided before or after the change in grade. For a gradient greater than fourteen percent, up to the maximum permitted gradient of twenty percent, a transition of one half of the gradient must be provided for a minimum of eight feet before, and a minimum of eight feet after, the change in grade.

(5) Surfacing. Except as specified in this subsection (a)(5), each required off-street parking area must be surfaced with a continuous asphalt or Portland cement binder pavement, or similar paving material, with a weight rating necessary to accommodate emergency vehicles, as deemed necessary by the zoning administrator in consultation with the fire district or department having jurisdiction over the parking area. At least ten percent of the total paved area of a parking area must be paved with porous asphalt, pervious concrete, permeable pavers, or unit pavers that the zoning administrator, in consultation with the fire district or department having jurisdiction over the parking area, determines has a weight rating necessary to accommodate emergency vehicles. The parking area surface must be graded and drained to prevent the pooling of water.

(6) Prohibitions. No off-street parking area may be used for automobile sales, storage, repair work, dismantling, or servicing of any kind.

(7) Striping, Markings, and Signage. Each parking space must be marked with striping and must open directly on a driveway aisle meeting the width requirements set forth in this section. Each parking area must include signage and directional markings deemed necessary by the zoning administrator to ensure sufficient traffic circulation and safety.

(8) Lighting. For safety and security, each parking area in a non-residential zoning district (any zoning district other than a R-, D-1 or M- district) must include lighting that adequately illuminates the parking area. Lighting must be directed downward and away from adjacent areas and public streets and rights-of-way, to prevent glare (overwhelming direct light creating a potential hazard), or excessive light spill-over (unreasonable amounts of light extending beyond the intended area or property line), as seen from those areas, streets, or rights-of-way. To provide for the general safety of adjacent vehicular traffic and the privacy and well being of residential areas, the lighting intensity may not be greater than reasonably required to safely and securely illuminate the parking area. Each lighting fixture must be consistently maintained to ensure broken or burnt-out bulbs are replaced, fixtures remain clean and graffiti and rust free, and painted fixtures do not chip or peel. Whenever possible, lighting fixtures must be equipped with energy efficient bulbs.

(9) Screening and Buffers. If a parking area is adjacent to property within a residential zoning district (R-, D-1, or M-) or a parcel used for residential uses within a planned unit district (P-1), the parking area must include one of the following between the parking area and that zoning district:

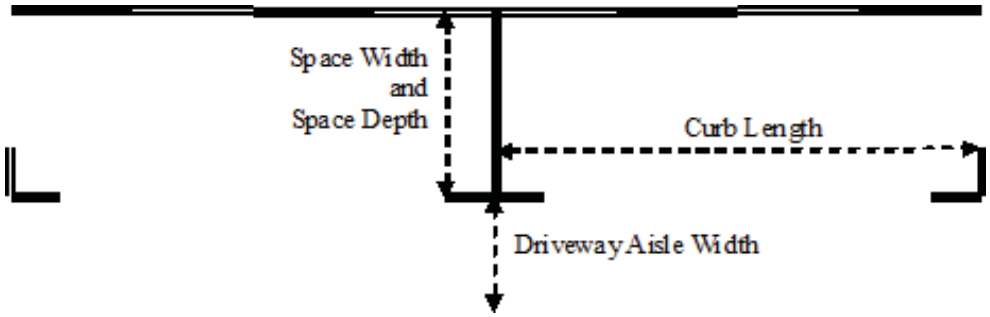
(A) A six-foot high solid fence or masonry wall (block, brick, or natural or concrete stone) and vegetation that, when mature, will cover a portion of the fence or wall; or

(B) Landscape screening of at least six feet in height. Up to three feet, or half of the total height, whichever is less, may consist of planter boxes, raised beds, or similar improvements, and the remaining amount of screening must be shrubbery or other plants that, when planted, will provide a complete screen.

(b) Parking Space Design and Layout. Each parking space within a parking area must meet all of the following requirements:

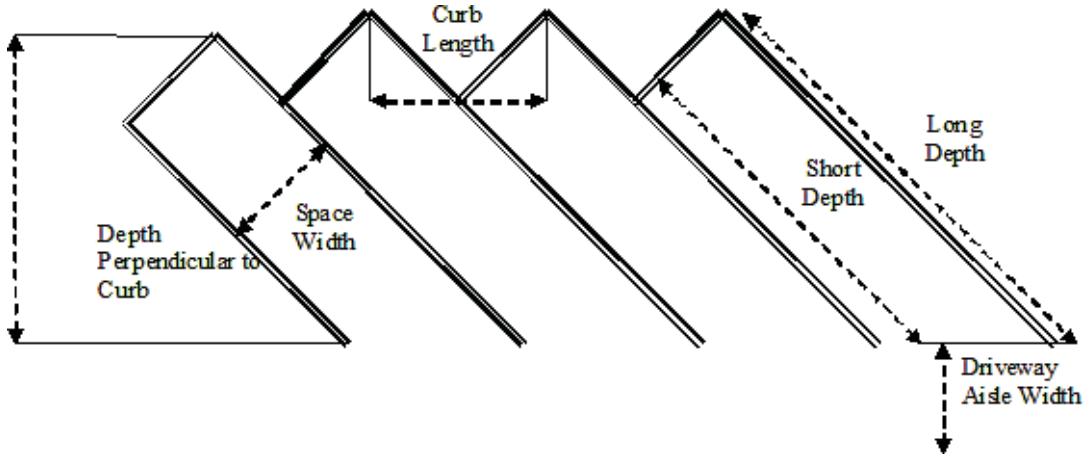
(1) Parking Space Sizes. Except as provided in this subsection, each parking space in a parking area must be a standard size parking space. If twelve or more parking spaces are required by this chapter, a maximum of twenty-five percent of the total required parking spaces may be designated for compact vehicles. Each compact-vehicle parking space must provide pavement markings or signage identifying it for use by compact vehicles. Each standard size parking space, each compact-vehicle off-street parking space, and each driveway aisle must have the following minimum dimensions:

(A) For each space with an angle of parking of zero degrees:



0°	Dimension	Standard Spaces	Compact Spaces
	Space Width	8'6"	7'6"
	Curb Length	21'6"	19'
	Space Depth	8'6"	7'6"
	Driveway Aisle Width	One-way travel: 12' Two-way travel: 20'	One-way travel: 12' Two-way travel: 20'

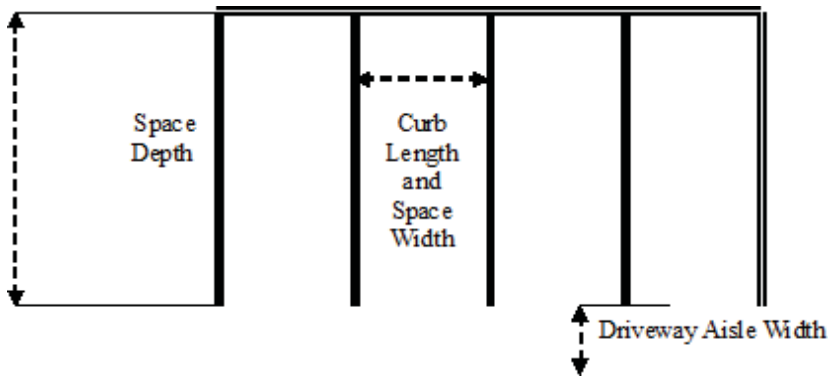
(B) For each space with an angle of parking of forty-five degrees:



45°	Dimension	Standard Spaces	Compact Spaces
	Space Width	8'6"	7'6"
	Curb Length	12'	10'6"
	Depth Perpendicular to Curb	18'6"	16'6"
	Short Depth	13'6"	12'
	Long Depth	22'	19'6"

	Driveway Aisle Width	One-way travel: 13' Two-way travel: 20'	One-way travel: 13' Two-way travel: 20'

(C) For each space with an angle of parking of ninety degrees:



0°	**Dimension**	**Standard Spaces**	**Compact Spaces**
	Space Width	8'6"	7'6"
	Curb Length	8'6"	7'6"
	Space Depth	18'	16'
	Driveway Aisle Width	One-way travel: 25' Two-way travel: 25'	One-way travel: 25' Two-way travel: 25'

(2) Non-Standard Angles of Parking. If a parking space in any parking area will have an angle of parking other than zero degrees, forty-five degrees, or ninety degrees, the zoning administrator will calculate the parking space dimensions to provide approximately the same amount of space that is required for a parking space with a zero-degree angle of parking. For calculations for a parking space with an angle of parking that is greater than zero degrees and less than forty-five degrees, the required driveway aisle width is thirteen feet for one-way travel, and twenty feet for two-way travel. For calculations for a parking space with an angle of parking that is greater than forty-five degrees, the required driveway aisle width is twenty-five feet for one-way and two-way travel.

(3) Motorcycle Parking. Any off-street parking area with twenty or more standard size parking spaces may include up to six designated motorcycle parking spaces. Each designated motorcycle parking space must have a length of at least eight and one-half feet, and a width of at least three feet. Motorcycle parking spaces may not be counted towards the minimum number of parking spaces required by this chapter.

(c) Landscaping Design and Layout. Landscaped areas must be provided within any off-street parking area other than an enclosed parking structure, and must meet the following design and layout requirements:

(1) Each landscaped area within or adjacent to a parking area must be bordered by a curb that is at least six inches high and at least six inches wide. Each curb must be constructed of the same material that is used to pave the parking area, or another paving material that is authorized under this chapter and as approved by the zoning administrator.

(2) Each landscaped area must be designed so that pedestrians are not required to cross the landscaped area in order to access the parking area.

(3) A planter or landscaped area at least four feet wide (inside dimension) must be provided between a parking area and a public street or private drive, other than an access drive, that is adjacent to a

parking area. Each parking area with more than five parking spaces must include landscaped areas that are equal in area to at least five percent of the area occupied by the paved parking area.

(4) To provide visual and physical breaks and reduce traffic hazards to pedestrians, landscaped areas must be located between the parking area and each sidewalk adjacent to the parking area, except for any point at which a sidewalk intersects with the parking area.

(5) For any parking space with an angle of parking of forty-five degrees or greater, in lieu of paving, a maximum of two feet of a standard parking space's depth, or one and one-half feet of a compact parking space's depth, may be planted with low-lying groundcover or landscaping to allow for up to a two-foot bumper overhang. A barrier curb or wheel stop measuring no more than five inches high, at least six inches wide, and thirty-six inches long must be provided in the parking space if the parking space is in front of a building, facility, or structure.

(6) The following requirements apply to each parking area that includes more than seventy parking spaces:

(A) Trees must be provided at a rate of at least one tree per twenty linear feet of landscaping. Each tree must measure at least five feet in height above-ground at the time that it is planted.

(B) Planter islands must be provided at the ratio of at least one island for each ten parking spaces. Each planter island must be at least five feet wide and at least as long as the depth perpendicular to curb for the longest parking space adjacent to it.

(C) Trees, or clusters of trees, must be evenly distributed throughout the parking area by locating trees along the perimeter of the parking area and within planter islands.

(7) Each landscaped area must be continuously maintained to ensure it remains free of debris, litter, and weeds, and that landscaping remains healthy. To encourage water conservation, each parking area that includes landscaping must also include an automatic irrigation system that meets the requirements of this code pertaining to landscape irrigation and water conservation.

(d) Tandem Parking. Two-car tandem parking spaces are permitted as specified in this section. Each tandem parking space must have a space width measuring at least eight feet and six inches, and a space depth perpendicular to curb measuring at least thirty-six feet. Vehicles using a tandem parking space must not block, or be allowed to overhang into, walkways or other pedestrian access areas, or any street or other public right-of-way. Each tandem parking space will be counted as two standard parking spaces toward the total amount of off-street parking spaces that must be provided under this chapter.

(1) Single-family Residential. For any residential use located in a single-family residential (R-) zoning district, a tandem parking space is allowed, as long as the minimum setback requirements applicable to that zoning district are met.

(2) Multiple-Family Residential. For any residential use located in a two-family (D-1) or multiple family residential (M-) zoning district, no more than fifteen percent of the residential units may be provided tandem parking spaces. A tandem parking space to serve an individual residential unit is allowed if the following requirements are met:

(A) The tandem parking space is assigned to a single residential unit;

(B) The tandem parking space is enclosed within a garage that allows ingress to and egress from a shared private road or a public street without requiring a vehicle to back out onto the road or street;

(C) The multiple family residential use is located within the General Plan Transportation and Circulation Element Transit Corridor or Local Transit Service Area; and

(D) The tandem parking space does not interfere with, or obstruct the use of, any other unit's assigned parking.

(3) Commercial/Retail/Business. For any commercial, retail, or business use located in an O-1, A-O, C-B, N-B, R-B, C-, or P-1 zoning district, no more than twenty-five percent of the amount of off-street parking spaces required to be provided under this chapter may be tandem parking spaces. Tandem parking spaces are allowed if they are used in conjunction with a valet service that serves the land use during all hours of operation. No tandem parking space may be designated for self-parking, unless it is restricted for employee use.

(e) Electric Vehicle Charging Spaces. Each EV charging space provided in a parking area counts as one space toward the minimum number of parking spaces required by this chapter. The following requirements apply to each EV charging space:

(1) Each EV charging space must be accessible to persons with disabilities.

(2) Each EV charging space must include a posted sign and painted curb, or ground markings, indicating that the space is exclusively for EV charging purposes.

(3) EV charging equipment must be located so that pedestrians are not required to cross between the EV charging space and the EV charging equipment. The EV charging equipment may not obstruct any Americans with Disabilities Act-compliant sidewalk, entrance, curb-cut, or ramp, while in use or otherwise.

(4) EV charging equipment must be illuminated by lighting to enable the equipment to be used at night.

(5) Concrete-filled steel bollards or other similar barriers must be installed between EV charging equipment and an EV charging space if either of the following applies:

(A) The EV charging equipment is located less than twenty-four inches away from the EV charging space that it serves; or

(B) The EV charging equipment is located twenty-four inches or more away from the EV charging space that it serves and does not include, between the space and the equipment, a curb measuring at least six inches high.

(6) An electric vehicle may occupy an EV charging space only while charging is in progress. Parking in an EV charging space when charging is not in progress is prohibited.

(7) EV charging equipment must be maintained in working order at all times. The name and telephone number of the party responsible for maintaining and repairing the equipment must be posted on the equipment and updated as necessary.

(f) Solar Energy Systems. Nothing in this chapter prohibits the installation of a solar energy system on or above a parking area, provided that the system otherwise meets the requirements of this code, and is located, installed, operated, and maintained in a manner that complies with all applicable federal, state, and county requirements.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.406 Required number of parking spaces.

(a) The following number of off-street parking spaces must be provided for the following land uses:

(1) Assembly halls without fixed seats: One space per every fifty square feet of gross floor area.

(2) Auditoriums: One space per every four seats.

(3) Banks, business and professional offices, other than medical and dental offices: One space per every two hundred fifty square feet of gross floor area.

(4) Bowling alleys: Four spaces per every individual alley, plus one space per two employees.

(5) Child care facility: For facilities that are licensed to serve fifteen or more children, one space per every two hundred fifty square feet of gross floor area.

(6) Churches/religious institutions: One space per every four seats in the sanctuary/worship space only. If the church/religious institution is used for purposes that are ancillary to worship and administration, the zoning administrator may increase the required number of parking spaces to meet the parking requirements for the ancillary use or uses, or for the use or uses most similar to that ancillary use, specified in this section.

(7) Commercial service, repair shops and wholesale establishments: One space per every eight hundred square feet of gross floor area.

(8) Gas station (including vehicle service/repair): 0.9 spaces per every fueling position if the station includes a convenience market, or 0.5 spaces per every fueling position if the station does not include a convenience market.

(9) Grocery store: One space per every two hundred square feet of gross floor area.

(10) Golf courses and driving ranges: Four spaces per every hole. If the golf course or driving range facilities are also used for purposes that are ancillary to golf and golf instruction, such as banquets, the zoning administrator may increase the required number of parking spaces to meet the parking requirements for the ancillary use or uses, or for the use or uses most similar to that ancillary use, specified in this section.

(11) Hospital: One space per every two patient beds. If the hospital includes ancillary services or facilities, such as a pharmacy or medical offices, the zoning administrator may increase the required number of parking spaces to meet the parking requirements for the ancillary use or uses, or for the use or uses most similar to that ancillary use, specified in this section.

(12) Hotels and motels: One space per every lodging room. If the hotel or motel is used for purposes that are ancillary to lodging and overnight guest services, the zoning administrator may increase the required number of parking spaces to meet the parking requirements for the ancillary use or uses, or for the use or uses most similar to that ancillary use, specified in this section.

(13) Marina: 0.4 spaces per every berth.

(14) Medical and dental offices: One space per every two hundred fifty square feet of gross floor area, plus one space per doctor/dentist.

(15) Mini (self) storage: One space per every three hundred fifty square feet of gross floor area of the office at the facility. A minimum of three spaces must be provided.

(16) Mortuaries: One space per every fifty square feet of gross floor area in chapel areas.

(17) Night clubs, cocktail lounges, and restaurants: One space per every three seats, or one space per every one hundred square feet of gross floor area, whichever is greater.

(18) Nursery (plants): Two spaces per every one thousand square feet of gross floor area and outdoor display area.

(19) Recreational facility: One space per every two hundred square feet of outdoor recreation area (swimming pools, ball fields, courts, etc.).

(20) Retail stores and shops, except as otherwise specified herein: One space per every three hundred square feet of gross floor area.

(21) Retail stores that handle only bulky merchandise, such as furniture, household appliances, and motor vehicles: One space per every five hundred square feet of gross floor area.

(22) Retail and wholesale establishments where sales are conducted primarily outside of buildings: One space per every two thousand square feet of outdoor display area.

(23) Rooming and lodging houses: One space per every bedroom.

(24) Sanitariums, convalescent homes, rest homes, nursing homes: One space per every three beds.

(25) Sports arenas: One space per every five seats, or one space per every two hundred square feet of gross floor area, whichever is greater.

(26) Theaters: One space per every five seats.

(27) Winery: For wineries that include agricultural production, one space per every two hundred fifty square feet of gross floor area. For tasting rooms where no agricultural production or cultivation occurs, one space per three seats, or one space per every one hundred square feet of gross floor area, whichever is greater.

(28) Warehouses and other storage buildings: One space per every one thousand square feet of gross floor area.

(b) For any use not specified in this section, the number of parking spaces that must be provided is the number of spaces required to be provided for the most similar land use specified in this section, as determined by the zoning administrator.

(c) If a final transportation demand management program (TDM) is approved for any project or development pursuant to Chapter 82-32, the number of parking spaces required by that TDM for that project or development supersedes the number of parking spaces that would otherwise be required by this section.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.408 Exclusive parking facilities.

An exclusive parking facility may be established if it meets all of the following requirements:

(a) The facility must be located on a lot that is either:

(1) Adjacent to an established or planned future stop of a public transit service route; or

(2) Within an O-1, A-O, C-B, N-B, R-B, C-, or P-1 zoning district and the land use that it serves is a business use, commercial use, or office use.

(b) The facility must be restricted for use by the riders and employees of a public transit service, or the employees, visitors, or business patrons of the land use served by the facility.

(c) The facility must be located within one thousand feet of the planned or established public transit service stop, or the property line of the lot where the land use to be served by the facility is located.

(d) The facility only will be used for vehicle and bicycle parking.

(e) No commercial repair work or sales of any kind will occur within the facility.

(f) No signs will be located within the facility, except signs required by this chapter to guide traffic or mark parking spaces, signs that identify the persons that may utilize the facility, and signs that are otherwise required by law to be posted.

(g) The facility must meet the requirements of this chapter that apply to off-street parking areas generally.

(h) An exclusive parking facility plan must be submitted with the application for a land use permit. The plan must depict and delineate the requirements of this section. The exclusive parking facility may, but is not required to, provide a parking attendant to control entry to, and exit from, the facility. If a parking attendant will be provided, the application must show the location of the parking attendant's shelter, and must describe the hours when an attendant will be present. The application also must describe land use served by the facility.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.410 Loading spaces.

(a) In any zoning district, each building or facility with a gross floor area of ten thousand or more square feet that is used for manufacturing, storage, warehousing, displaying of goods, retail sales, wholesale sales, hotel, hospital, mortuary, laundry, dry cleaning, or other land use that requires the receipt or distribution by vehicles of materials and merchandise, must include off-street loading space on the same lot as that building or facility. The required amount of off-street loading space is based on the size of the building or facility that it serves, calculated as follows:

(1) Ten thousand to twenty thousand square feet of gross floor area, one space.

(2) Twenty thousand one to thirty thousand square feet of gross floor area, two spaces.

(3) Thirty thousand one to forty-five thousand square feet of gross floor area, three spaces.

(4) Forty-five thousand one to seventy-five thousand square feet of gross floor area, four spaces.

(5) Over seventy-five thousand square feet of gross floor area, one additional space for each additional seventy-five thousand square feet of gross floor area, or portion thereof.

(b) Each off-street loading space must meet the following requirements:

(1) Each loading space must be located so that:

(A) It is accessible from a public street; and

(B) Any vehicle that regularly uses it does not encroach within any sidewalk or street right-of-way, or within any required front yard or side yard of the building or facility that it serves.

(2) Each loading space must have a minimum unobstructed width of ten feet, a minimum unobstructed length of thirty-five feet, and a minimum unobstructed clearance height of fifteen feet for the entire length and width of the loading space.

(3) Each loading space required by this section must be permanently maintained during the existence of the building or facility that it serves, and must be used only for loading and unloading purposes. No part of a required loading space may be encroached upon by buildings or temporary structures, or used for storage or any other activity not related to loading or unloading.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.412 Bicycle parking.

(a) To meet the bikeway goals of the Transportation and Circulation Element of the County General Plan, long-term and short-term bicycle parking must be provided to serve each land use, as specified in this section.

(b) Long-term and short-term bicycle parking must meet the following location requirements:

(1) The bicycle parking must be located near every terminus of dedicated bicycle trails or routes, or at locations that are accessible by bicycles.

(2) If no bicycle trails or routes terminate on the lot to be served by the bicycle parking, the parking must be located as close as possible to main entrances and exits of buildings, structures, or facilities without obstructing any door, entry way, path, or sidewalk.

(3) The bicycle parking must be located in an area that is visible from vehicle parking or circulation areas, or pedestrian circulation areas.

(4) The bicycle parking location must be identified with guide signs or wayfinding signs that meet the requirements of sign type "3" in sign series "D4" of the then current Manual of Uniform Traffic Control Devices.

(5) Long-term bicycle parking must be accessible and usable by tenants, employees, or other occupants of the building or facility that it serves.

(c) The following amounts of long-term and short-term bicycle parking must be provided for the following land uses:

Residential		
Housing Type	Long-Term	Short-Term
Single-family Dwelling	No spaces required.	No spaces required.
Multiple-Family Dwelling (including two-family residential) with private garage	No spaces required.	Spaces for five percent of the number of bedrooms, or two spaces, whichever is greater.
Multiple-Family Dwelling (including two-family residential) without private garage	Spaces for 15 percent of the number of bedrooms, or two spaces, whichever is greater.	Spaces for five percent of the number of bedrooms, or two spaces, whichever is greater.

Cultural/Education		
Use Type	Long-Term	Short-Term
Assembly (church, theaters, sports arenas, assembly halls)	One space for each 20 employees, or two spaces, whichever is greater.	Spaces for two percent of maximum planned capacity.
Parochial	Spaces equal to one percent of planned student capacity, or two spaces, whichever is greater.	Spaces equal to two percent of planned student capacity, or two spaces, whichever is greater.
Parochial and Private Nursery Schools, Kindergartens, and Elementary Schools (grades 1-3)	Spaces equal to one percent of planned student capacity, or two spaces, whichever is greater.	Spaces equal to two percent of planned student capacity, or two spaces, whichever is greater.
Parochial and Private Elementary (grades 4-6), Junior High and High Schools	Spaces equal to one percent of planned student capacity, or two spaces, whichever is greater.	Spaces equal to two percent of planned student capacity, or two spaces, whichever is greater.
Private Colleges and Universities	Spaces equal to one percent of planned capacity.	Spaces equal to two percent of planned capacity.

Commercial		
Use Type	Long-Term	Short-Term

Restaurants (including fast-food/take-out)	One space for each 10 employees, or two spaces, whichever is greater.	One space for each 2,000 square feet of floor area, or two spaces, whichever is greater.
Retail/Commercial	One space for each 10 employees, or two spaces, whichever is greater.	One space for each 5,000 square feet of floor area, or two spaces, whichever is greater.
Office	One space for each 10,000 square feet of floor area, or two spaces, whichever is greater.	One space for each 20,000 square feet of floor area, or two spaces, whichever is greater.
Health Care/Hospitals	One space for each 20 employees, or one space for each 70,000 square feet of floor area, or two spaces, whichever is greater.	One space for each 20,000 square feet of floor area, or two spaces, whichever is greater.

Industrial/Manufacturing		
Use Type	Long-Term	Short-Term
Manufacturing and Production	One space for each 15,000 square feet of floor area, or two spaces, whichever is greater.	One space for each 20,000 square feet of floor area, or two spaces, whichever is greater.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.414 Shared parking.

(a) The requirements of this chapter may be met through the use of shared parking spaces if the zoning administrator finds all of the following:

(1) The number of off-street parking spaces to be shared by two or more land uses must be provided in an amount to satisfy the greatest number of off-street parking spaces required by this chapter for any of the land uses, when calculated individually. The number of off-street parking spaces to be shared by two or more land uses may not exceed the sum of the parking space requirements that otherwise would apply to the land uses under this chapter, when added together.

(2) Each land use served by the shared parking spaces will utilize the spaces at different times.

(3) The shared off-street parking spaces are not otherwise required to satisfy the parking requirements for some other use at times when they will be required to serve any of the shared land uses.

(b) If an application for shared parking is approved by the zoning administrator, the applicant shall record in the office of the county recorder a deed restriction against the property or properties to be served by the shared parking. The deed restriction must specify the land uses served by the shared parking, and must designate and restrict the parking area to serve those land uses.

(c) Any deed restriction recorded pursuant to this section may be amended or released only after obtaining the approval of the zoning administrator.

(1) The zoning administrator will approve the release of the deed restriction if either of the following is satisfied:

(A) Other off-street parking that meets the requirements of this chapter will be provided to serve one or more of the land uses served by the shared parking; or

(B) One or more of the land uses served by the shared parking has changed, or will change, and off-street parking is no longer, or will no longer be, required under this chapter.

(2) The zoning administrator will approve an amendment to a deed restriction to require a different amount of shared parking if there is a corresponding change in one or more of the land uses served by the shared parking to require more, or allow for less, shared parking under this chapter.

(d) The parking area must include a sign or signs specifying the land uses served by the shared parking.

(Ord. No. 2012-12, § II, 10-16-12)

82-16.416 Variances.

A variance from any of the requirements of this chapter may be obtained pursuant to Article 26-2.20 of this code.

(Ord. No. 2012-12, § II, 10-16-12)

Chapter 82-18 SIGHT OBSTRUCTIONS AT INTERSECTIONS

82-18.002 Prohibited.

No structure (including, but not limited to, fences and gateways) or vegetation which obstructs the visibility of and from vehicles approaching the intersection of a state highway, public road, or street with another state highway, public road, or street, shall be constructed, grown, maintained or permitted higher than two and one-half feet above the curb grade, or three feet above the edge of pavement, within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines twenty-five feet back from the point of their intersection or in the case of rounded corners, the triangular area between the tangents to the curve of the right-of-way line and a diagonal line joining points on the tangents twenty-five feet back from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve of the right-of-way line at the corner.

(Ord. 1787; prior code § 8112(a): Ord. 382).

82-18.004 Exceptions.

This chapter shall not apply to existing public utility poles, or existing permanent structures or existing supporting members of appurtenances thereof; official traffic signs or signals; or corners where the contour of the land itself prevents visibility.

(Ord. 1787: prior code § 8112(b): Ord. 382).

82-18.006 Railroad crossings.

The prohibitions and limitations of Section 82-18.002 shall apply in every setback or front yard of a lot within seventy-five feet of the point where a state highway, public road, or street crosses a railroad track.

(Ord. 1787: prior code § 8112(c): Ord. 382).

82-18.008 Violation — Notice.*

If the director of public works determines that a violation of this chapter exists, the director of public works~~he~~ shall give written notice to the owner, tenant, or person having possession, charge or control of the premises on which the violation exists. The notice may be given by registered or certified mail. The notice shall designate the obstruction and shall direct that the obstruction be removed within ten days after receipt of the notice. The notice shall also recite the right of appeal provided for in Section 82-18.010. It is unlawful for the person to whom the notice is addressed to fail to remove the obstruction within the ten-day period unless within the period the person ~~he~~ appeals as provided for in Section 82-18.010, in which case the removal must be accompanied within ten days of an adverse ruling on the appeal or application or as ordered by the board of adjustment or planning commission.

(Ord. 1787: prior code § 8112(d): Ord. 382).

* For director of public works, See Ch. 24-22 of this code.

82-18.010 Appeal.*

The owner, tenant, or person having possession, charge or control of premises may appeal the determination of the director of public works made under Section 82-18.008, or may seek a variance from the terms of this chapter, by application to the board of adjustment pursuant to Chapter 26-2. Upon such application the board of adjustment may review the determination of the director of public works, if the application is an appeal therefrom, and in any case if it determines that a violation of this chapter exists or is proposed or planned, may grant, grant conditionally, or refuse to grant a variance from the terms of this chapter.

(Ord. 1787: prior code § 8112(e): Ord. 382).

* For director of public works, See Ch. 24-22 of this code.

82-18.012 Removal after appeal.

Within ten days after the board of adjustment or the planning commission (if appeal is taken to the planning commission) determines that the obstruction must be removed, the applicant shall remove the obstruction.

(Ord. 1787: prior code § 8112(part): Ord. 382).

Chapter 82-20 DOG KEEPING

82-20.002 Kennels.

(a) A kennel (and its activities) may be allowed only after and in accordance with the issuance of a land use permit pursuant to this chapter authorizing such use in any of the following land use districts:

(1) County agricultural zoning districts (A-1, A-2, A-3, A-4, A-20, A-40, or A-80);

(2) Retail business district (R-B);

(3) General commercial district (C);

(4) Light industrial district (L-1); and the

(5) Heavy industrial district (H-1).

(b) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.

(Ords. 92-25 § 3, 80-98 § 2: prior code § 8122: Ord. 1264).

82-20.004 Dog fanciers.

(a) Dog fancier use and activities and a multiple pet license therefor may be allowed only after the issuance of a land use permit pursuant to this chapter authorizing such use only in the following land use districts:

(1) Agricultural zoning districts A-1, A-2, and A-3;

(2) Retail business (R-B);

(3) General commercial (C);

(4) Light industrial (L-I);

(5) Heavy industrial (H-I);

(6) Single-family residential (R-20, R-40, R-65, or R-100);

(7) Transition residential-agricultural (R-A); or

(8) In any other residential land use district requiring a minimum residential lot size of less than twenty thousand square feet, where the applicant's lot is at least twenty thousand square feet in area and where the maximum number of dogs permitted over six months of age does not exceed four.

(b) In residential districts requiring a minimum lot size of twenty thousand square feet or more, the maximum number of dogs permitted shall be fixed by the involved planning agency division as a condition in the granting of a land use permit.

(c) All dogs maintained by dog fanciers shall be confined on the premises or trained or exercised under the owner's control and shall be enclosed in a building during the hours of darkness.

(d) Dog fancier use and activities (involving twenty or less dogs) are a permitted use in agricultural zoning districts A-4, A-20, A-40 and A-80.

(Ords. 92-25 § 3, 1744: prior code § 8123: Ord. 1264).

82-20.006 Compliance with code provisions.

(a) All kennel or dog fancier uses or activities allowed by any land use permits issued pursuant to this chapter and code shall only be established or maintained in full compliance with the provisions of Division 416 of this code.

(b) Upon request of the planning agency, the animal services director in a timely manner shall provide to the agency written comments on and recommendations for pending land use permit applications made pursuant to this chapter.

(Ord. 92-25 § 3).

82-20.008 Procedure—Modifications.

Land use permits for the special uses enumerated in this chapter and variance permits to modify any of this chapter's provisions may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. 95-25 § 3).

Chapter 82-22 CHILD CARE FACILITIES

Article 82-22.2. General

82-22.202 Purpose.

The purpose of this chapter is to implement the child care component of the community facilities element of the county general plan. It is the policy of Contra Costa County to assist and encourage the development of adequate affordable child care. It is recognized that the provision of child care requires a partnership between public and private participants and that the role of this county is to establish land use policies and ordinances to promote the establishment of child care facilities and the initiation of child care services in this community. It is further recognized that it is the developers' responsibility to address the child care needs associated with the development of their projects within the county, and that the establishment of such child care facilities and initiation of services will help satisfy the child care infrastructure requirements associated with new growth. Further, it is a policy of this county to encourage, whenever possible, joint use facilities such as, but not limited to, public schools, churches, parks or other community facilities.

(Ord. 88-1 § 3).

82-22.204 Administration.

The community development department shall be responsible to ensure the coordination of child care needs assessment and the provision of information concerning child care, to assist in the preparation of child care programs (where appropriate), and to coordinate the development of a child care program within county government. As part of its responsibilities under this chapter, the department shall verify the need for child care facilities and programs in each unincorporated community in the county every three years.

(Ords. 92-56 § 3, 88-1 § 3).

82-22.206 Regulations.

The board of supervisors may issue regulations for the administration of this chapter, including procedures and policies.

(Ord. 88-1 § 3).

Article 82-22.4. Definitions

82-22.402 General.

Unless otherwise specifically provided, the following definitions shall govern the interpretation of this chapter.

(Ord. 88-1 § 3).

82-22.404 Child care facility.

"Child care facility" means an existing or proposed child care facility as defined in Health and Safety Code Section 1596.750. The three basic designations covered under this section are:

(1) Small family day care home, as defined in Health and Safety Code § 1596.78(2), a facility licensed for the care of six or fewer children;

(2) Large family day care home, as defined in Health and Safety Code § 1596.78(1), a facility licensed for the care of seven to twelve children;

(3) Child care center, as defined in Health and Safety Code § 1596.76, a facility licensed for the care of more than twelve children.

"Child care facility" includes the building, modifications to buildings, equipment, and any accessory structures, in which there are programs and personnel licensed by the state for direct child care services including, but not limited to, shelter, food, education and play opportunities for fewer than twenty-four hours per day.

(Ord. 88-1 § 3).

82-22.406 Project.

"Project" means a proposal for the development of land, requiring a land use entitlement, whether residential or nonresidential, or both, which conforms to county requirements. A project includes but is not limited to the development of a lot or parcel or larger acreage, conversion of an existing use to a different use, and expansion of a use.

(Ord. 88-1 § 3).

Article 82-22.6. Permitted Use

82-22.602 Permitted use.

A child care facility provided as a part of a project shall be a permitted use in all land use zoning districts except those designated as heavy industry or which allow hazardous waste disposal. Day care facilities that are not associated with projects as defined in this chapter shall be consistent with the county general plan, and shall be subject to county regulations and ordinance.

(Ord. 88-1 § 3).

Article 82-22.8. Projects

82-22.802 Project requirements.

The requirements set out in this article shall be applicable to all projects.

(Ord. 88-1 § 3).

82-22.804 Preapplication conference.

Before filing an application for a land use entitlement, the applicant or developer of a project shall confer with the community development department concerning child care needs and programs.

(Ord. 88-1 § 3).

82-22.806 Child care survey.

(a) An application for a land use entitlement shall include a survey or assessment of the estimated child care needs caused by the proposed project, together with a response program showing how the child care needs resulting from the project are to be mitigated within Contra Costa County. The response program to mitigate the child care needs of the project shall include information on the location and capacity of existing or proposed child care facilities and how these will be used, established, maintained and operated. The response program shall also include information addressing the affordability of the child care to be provided. If the response program recommends that child care facilities be provided by existing facilities or through proposed facilities of others not part of the project, the applicant or developer shall provide sufficient information to the community development director to determine that the child care needs generated by the project shall be mitigated.

(b) The child care survey shall include an assessment of the estimated child care service needs caused by the proposed project. The response program shall show how those needs for child care services are to be mitigated within the county including, but not limited to, the manner in which the establishment of those services and the use of child care facilities will be assured by the availability of qualified care providers and related resources.

(c) The community development department shall make a determination of the adequacy of the response document no later than thirty days prior to the public hearing on the project. If the director of community development determines that child care needs have not been adequately established or that child care needs not be satisfied for a proposed project, the applicant or developer may be required to enter into a contract with the county providing for the preparation of a report by a consultant selected by the community development department but paid for by the developer, to evaluate and assist in determining child care needs and programs to adequately address those needs for the proposed project.

(d) The applicant or developer of a residential development with between one and twenty-nine units, inclusive, shall pay a fee, as established by the board in accordance with applicable law, toward child care facility needs in lieu of undertaking the child care survey required in this section. Such fee shall be reserved by the county to assist in meeting the child care facility needs in the community in which such development is located.

(Ords. 92-56 § 4, 88-1 § 3).

82-22.808 Facility required.

(a) The developer of a nonresidential project having one hundred or more potential employees or having a floor area of fifteen thousand gross square feet or more shall provide for a child care facility (and the initiation of its use) on-site or off-site as part of the project consistent with the needs assessment and response program as required by this chapter or shall demonstrate that the child care needs of the project are mitigated through the use of existing facilities.

(b) The applicant or developer of a residential project of thirty or more units shall provide a child care facility on-site or off-site consistent with the needs assessment and response program required by this chapter or shall demonstrate that the child care needs of the project are mitigated through the use of existing facilities. The

new facility constructed by the developer for the purposes of satisfying the requirement of this chapter shall be available on an ongoing basis to satisfy the public need for not fewer than twenty-five years unless approved for a change of use by the board on a recommendation by the zoning administrator through a public hearing process.

(Ord. 92-56 § 5, 88-1 § 3).

82-22.810 Integration with other facilities.

To the extent possible, child care facilities shall be integrated with other facilities. Cooperative efforts with public and private schools shall be encouraged as the preferred method to provide off-site child care. Coordinated use of recreational or common areas within projects, with churches, parks or community facilities is to be fostered as a secondary method to provide child care facilities.

(Ord. 88-1 § 3).

82-22.812 Deed notification.

The developer shall provide deed notification to all purchasers or lessees that a child care facility may be located at any residential unit or lot or in any common area or facility within the project, as determined by the zoning administrator.

(Ord. 88-1 § 3).

82-22.814 Restrictive covenants.

The applicant or developer shall provide in the covenants, conditions and restrictions, if any, or in similar documents, that a child care facility may be located at any residential unit or lot or in any common area or facility within the project, as determined by the zoning administrator.

(Ord. 88-1 § 3).

Article 82-22.10. Exemptions

82-22.1002 Exemptions.

The provisions of this chapter do not apply to the following:

(1) Any project, as determined by the director of community development, which will not have a significant child care impact;

(2) The significant remodeling or rehabilitation of a residential or nonresidential building, provided there is no intensification of the use or enlargement of the building;

(3) The significant repair or reconstruction of a building resulting from damage by fire or other natural disaster, provided there is no intensification of the use or enlargement of the building;

(4) Any modification or remodel of an existing, legally established dwelling unit that does not create an additional dwelling unit, or the temporary occupancy of a mobilehome not situated in a mobilehome park;

(5) Child care facilities;

(6) Any project for which a final development plan approval has been given by the planning agency or for which a development agreement or amended development agreement exists prior to the effective date of the ordinance codified in this chapter, except those projects which include as part of the conditions compliance with this chapter or with the child care requirements of a TSM ordinance or program;

(7) Studio and one-bedroom dwelling units shall not be counted in multifamily residential projects of more than thirty units;

(8) Senior housing project;

(9) Nonresidential projects having fewer than one hundred potential employees or having a floor area of fewer than fifteen thousand gross square feet.

(Ords. 92-56 § 6, 88-1 § 3).

Chapter 82-24 ACCESSORY DWELLING UNITS[4]

82-24.002 Purposes.

The purposes of this chapter are to authorize accessory dwelling units and junior accessory dwelling units; to establish a procedure for reviewing and approving their development to ensure and maintain healthy and safe residential living environments; to establish location and development standards for accessory dwelling units; and to comply with Government Code Section 65852.2, which requires local agencies to consider applications for accessory dwelling unit permits ministerially without discretionary review or a public hearing.

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.004 Definitions.

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

(a) "Accessory dwelling unit" has the meaning set forth in Government Code Section 65852.2.

(b) "Attached accessory dwelling unit" means an accessory dwelling unit attached to a primary dwelling unit.

(c) "Detached accessory dwelling unit" means an accessory dwelling unit detached from a primary dwelling unit.

(d) "Internal conversion" means the establishment of an accessory dwelling unit or junior accessory dwelling unit within an existing or proposed primary dwelling unit or within an existing accessory building.

(e) "Junior accessory dwelling unit" has the meaning set forth in Government Code Section 65852.22.

[4]Editor's note(s)—Ord. No. 2020-01, § II, adopted January 21, 2020, amended chapter 82-24 in its entirety to read as herein set out. Former chapter 82-24, §§ 82-24.002—82-24.020, pertained to similar subject matter, and derived from Ord. No. 87-67 § 3; Ord. No. 2003-17 § 3; Ord. No. 2006-19 §§ 2, 3; Ord. No. 2008-09 § 2 and Ord. No. 2011-05, §§ II—IV, adopted March 15, 2011; Ord. No. 2017-11, § II, adopted May 23, 2017.

(f) Whenever the term "residential second unit" is used in any ordinance, resolution, order, directive, or regulation of the county, it means "accessory dwelling unit."

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.006 Permitting procedure.

(a) Except as otherwise provided in this section, an application for a permit to establish an accessory dwelling unit will be approved ministerially without discretionary review or public hearing if the accessory dwelling unit meets: the location requirements specified in Section 82-24.010; the development standards specified in Section 82-24.012; and all applicable building standards in Title 7 and all applicable sewage and water requirements.

(b) An application for a permit to establish any of the following types of accessory dwelling units in a residential or mixed-use zoning district is not subject to the location requirements specified in Section 82-24.010 or the development standards specified in Section 82-24.012 and will be approved ministerially without discretionary review or public hearing.

(1) One internal conversion that is either an accessory dwelling unit or a junior accessory dwelling unit on a lot with a proposed or existing single-family dwelling, if: the internal conversion has independent exterior access; the side and rear setbacks are sufficient for fire safety; and the internal conversion meets all applicable building standards in Title 7 and all applicable sewage and water requirements. If the internal conversion is a junior accessory dwelling unit, it must comply with the requirements of Government Code section 65852.22. An internal conversion under this subsection (b)(1) may include an expansion of not more than one hundred fifty square feet beyond the physical dimensions of an existing building, but the expansion must be limited to accommodating ingress and egress.

(2) One detached, new construction, accessory dwelling unit on a lot with a proposed or existing single-family dwelling, if: the side and rear setbacks are a minimum of four feet; the detached accessory dwelling unit does not exceed eight hundred square feet in size; the detached accessory dwelling unit does not exceed the applicable height limitations specified in Government Code section 65852.2(c)(2)(D); and the detached accessory dwelling unit meets all applicable building standards in Title 7 and all applicable sewage and water requirements. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit permitted in subsection (b)(1).

(3) One or more accessory dwelling units that are internal conversions within the non-livable space of an existing multiple-family dwelling, including but not limited to storage rooms, boiler rooms, passageways, attics, basement, or garages. Each internal conversion under this subsection must meet all applicable building standards in Title 7 and all applicable sewage and water requirements. The number of internal conversions permitted within an existing multiple-family dwelling under this subsection (b)(3) may not exceed twenty-five percent of the number of existing multiple-family units in the dwelling.

(4) One or two detached accessory dwelling units on a lot with a proposed or existing multiple-family dwelling, if: the side and rear setbacks are a minimum of four feet; the detached accessory dwelling unit does not exceed eight hundred square feet in size; the detached accessory dwelling unit does not exceed the applicable height limitations specified in Government Code section 65852.2(c)(2)(D); and the detached accessory dwelling unit meets all applicable building standards in Title 7 and all applicable sewage and water requirements.

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.008 Applications.

(a) An application for an accessory dwelling unit permit must be submitted to the Department of Conservation and Development before a building permit application is submitted to the county. An application for a junior accessory dwelling unit permit must be submitted in the same manner and form as an application for an accessory dwelling unit permit.

(b) An application for an accessory dwelling unit permit must be made in writing and contain the following information:

(1) Name(s) and address(es) of applicant(s) and property owner(s).

(2) Address and assessor's parcel number for the lot.

(3) Size, indicating dimensions and square footage of the primary dwelling unit and the proposed accessory dwelling unit.

(4) A legible scale drawing, showing:

(A) A north arrow to indicate lot orientation.

(B) Lot dimensions and labels for all property lines.

(C) Siting and location of the primary dwelling unit and the proposed accessory dwelling unit.

(D) Floor plan configuration of the primary dwelling unit and the proposed accessory dwelling unit.

(E) All other existing improvements, including driveways and parking areas.

(F) Exterior design of the primary dwelling unit and the proposed accessory dwelling unit. "Exterior design" includes exterior features, such as entrances, windows, and roof.

(5) Location and description of water and sanitary services for both the primary dwelling unit and the proposed accessory dwelling unit.

(6) A written legal description of the property.

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.010 Location.

(a) One accessory dwelling unit may be located on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), a water recreation district (F-1), planned unit district (P-1) for residential uses, or a multiple-family residential district (M-6, M-9, M-12, M-17, and M-29).

(b) One accessory dwelling unit may be located on any lot in an agricultural district (A-2, A- 3, A-4, A-20, A-40, and A-80). If an accessory dwelling unit is proposed for a lot under a Williamson Act contract, an accessory dwelling unit will be allowed subject to the provisions of this chapter unless the Williamson Act contract prohibits an accessory dwelling unit or a residential second unit on the property.

(c) No subdivision rights are authorized that would result in the accessory dwelling unit being located on a separate lot.

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.012 Development standards.

(a) Accessory Dwelling Unit Size.

(1) A detached accessory dwelling unit may not exceed the following sizes.

(A) A detached accessory dwelling unit may not exceed one thousand square feet in any zoning district where an accessory dwelling unit is allowed, unless the accessory dwelling unit is located on a lot of twelve thousand square feet or more, or in an agricultural district, or in the Kensington (-K) combining district.

(B) A detached accessory dwelling unit may not exceed one thousand two hundred square feet on a lot of twelve thousand square feet or more.

(C) A detached accessory dwelling unit may not exceed one thousand two hundred square feet in an agricultural district.

(D) In the Kensington (-K) combining district, a detached accessory dwelling unit may not exceed eight hundred fifty square feet if the accessory dwelling unit provides one bedroom and may not exceed one thousand square feet if the accessory dwelling unit provides more than one bedroom.

(2) An attached accessory dwelling unit may not exceed the following sizes.

(A) Except as otherwise provided in subsection (B) below, an attached accessory dwelling unit may not exceed the sizes specified in this subsection (A).

(i) An attached accessory dwelling unit may not exceed one thousand square feet in any zoning district where an accessory dwelling unit is allowed, unless the accessory dwelling unit is located on a lot of twelve thousand square feet or more, or in an agricultural district, or in the Kensington (-K) combining district.

(ii) An attached accessory dwelling unit may not exceed one thousand two hundred square feet on a lot of twelve thousand square feet or more.

(iii) An attached accessory dwelling unit may not exceed one thousand two hundred square feet in an agricultural district.

(iv) In the Kensington (-K) combining district, an attached accessory dwelling unit may not exceed eight hundred fifty square feet if the accessory dwelling unit provides one bedroom and may not exceed one thousand square feet if the accessory dwelling unit provides more than one bedroom.

(B) An attached accessory dwelling unit may not exceed fifty percent of the living area of the primary dwelling unit to which the accessory dwelling unit is attached, except that an attached accessory dwelling unit may exceed fifty percent of the living area of the primary dwelling unit to the extent necessary to permit an accessory dwelling unit of eight hundred fifty square feet if the accessory dwelling unit provides one bedroom or one thousand square feet if the accessory dwelling unit provides more than one bedroom.

(b) Living Provisions. An accessory dwelling unit must provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(c) Permanent Foundation. A permanent foundation is required for all accessory dwelling units.

(d) Sewage and Water. If a private sewage disposal system, water system, or both are proposed to be used, it must meet all applicable county regulations and be approved by the health officer before an accessory

dwelling unit may be established. Verification that the standard has been met is required prior to final inspection.

(e) Architecture. An accessory dwelling unit must have independent exterior access separate from that of the primary dwelling unit. The independent exterior access must be: located on the building side or building rear; or not visible from the street; or otherwise subordinate to the primary dwelling unit.

(f) Types of Accessory Dwelling Units. An accessory dwelling unit may be attached to a primary dwelling unit or detached from a primary dwelling unit.

(1) If an accessory dwelling unit is attached to a primary dwelling unit, the accessory dwelling unit must be an internal conversion of an attached garage or other area within the primary dwelling unit, or an addition to the primary dwelling unit.

(2) If an accessory dwelling unit is detached from a primary dwelling unit, the accessory dwelling unit must be an internal conversion of a detached garage or other accessory building, or new construction. A detached accessory dwelling unit must be located on the same lot as the primary dwelling unit.

(g) Garage Attached to a Detached Accessory Dwelling Unit. If a garage is attached to a detached accessory dwelling unit, the garage may not exceed the following sizes:

(1) Five hundred square feet on lots of twenty thousand square feet or less in all zoning districts where an accessory dwelling unit is allowed, except in an agricultural district.

(2) Six hundred square feet on lots larger than twenty thousand square feet and smaller than five acres in all zoning districts where an accessory dwelling unit is allowed, except in an agricultural district.

(3) Eight hundred square feet on lots of five acres or more.

(4) Eight hundred square feet in an agricultural district.

(h) Yards and Building Height.

(1) An accessory dwelling unit must comply with all requirements relating to yards (front setbacks, side, and rear) and building height that are generally applicable to residential construction in the zone in which the property is located, except as otherwise provided in this subsection (h).

(2) A setback is not required for an accessory dwelling unit that is an internal conversion or that is constructed in the same location and to the same dimensions as an existing building.

(3) A setback of four feet from the side and rear lot lines is required for an accessory dwelling unit that is not an internal conversion and is not constructed in the same location and to the same dimensions as an existing building.

(4) An accessory dwelling unit and any portion of an accessory dwelling unit is subject to the applicable height limitations specified in Government Code section 65852.2(c)(2)(D) if it is located:

(A) Within a front, back, or side yard area applicable to residential construction in the zone in which the lot is located; or

(B) In the Kensington (-K) combining district.

(i) Off-Street Parking.

(1) A lot containing an accessory dwelling unit must provide an additional off-street parking space to serve the accessory dwelling unit, except as otherwise provided in this subsection (i). The additional space may be within a setback area or in tandem, unless specific findings are made that parking in a setback area or in tandem is not feasible based on site or regional topographical or fire and life safety conditions.

(2) Replacement parking spaces are not required if a garage, carport, or covered parking structure that provides off-street parking is demolished or converted in conjunction with the construction of an accessory dwelling unit.

(3) No additional off-street parking is required for an accessory dwelling unit in any of the following instances:

(A) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(B) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(C) The accessory dwelling unit is an internal conversion.

(D) The accessory dwelling unit is located within a permit-parking area designated pursuant to Chapter 46-10, but an on-street parking permit is not available under that chapter to the occupant of the accessory dwelling unit.

(E) A car share vehicle pick-up location is within one block of the accessory dwelling unit. A "car share vehicle" has the same meaning as in Vehicle Code Section 22507.1.

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.014 Occupancy.

No accessory dwelling unit or junior accessory dwelling unit may be rented or offered for rent for a term of less than thirty days.

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.016 Deed restrictions.

Before obtaining a permit authorizing the establishment of an accessory dwelling unit or junior accessory dwelling unit, the applicant shall do the following:

(a) Enter into an agreement of restrictions with the county that refers to the deed under which the property was acquired by the applicant and provides the following:

(1) The accessory dwelling unit or junior accessory dwelling unit shall not be sold separately, except in conformance with Government Code section 65852.26.

(2) The accessory dwelling unit or junior accessory dwelling unit is restricted to the maximum size allowed under the permit.

(3) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the county against the property owner.

(b) Record the agreement with the county recorder.

(c) Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows:

"You are purchasing a property with a permit for an (junior) accessory dwelling unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the (junior) accessory dwelling unit separately, except in conformance with Government Code section 65852.26. The (junior) accessory dwelling unit is restricted to the maximum size allowed under the permit. The (junior) accessory dwelling

unit may not be rented or offered for rent for a term of less than thirty days. The permit is available from the current owner or from the Contra Costa County Department of Conservation and Development."

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.018 Nonconforming units.

Notwithstanding the provisions of Ordinance Code Section 82-8.006, if the existing primary dwelling unit is a legal nonconforming unit, an accessory dwelling unit or junior accessory dwelling unit may be constructed only if the nonconformity is not expanded and the accessory dwelling unit or junior accessory dwelling unit meets all current applicable zoning and building standards.

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

82-24.020 Fees.

Fees for accessory dwelling unit permits and junior accessory dwelling unit permits will be in amounts established by the board of supervisors in the Department of Conservation and Development's fee schedule. To the extent permitted by state law, accessory dwelling units and junior accessory dwelling units are subject to all applicable fees for new development.

(Ord. No. 2023-13, § II, 6-27-23; Ord. No. 2020-01, § II, 1-21-20)

Chapter 82-26 WATER EFFICIENT LANDSCAPES[5]

82-26.002 California Model Water Efficient Landscape Ordinance Adopted.

(a) The water efficient landscape ordinance of Contra Costa County is the Model Water Efficient Landscape Ordinance adopted by the California Department of Water Resources and as set forth in Chapter 2.7 of Division 2, Title 23, of the California Code of Regulations, Sections 490 through 495 and Appendices A through D (the "MWELO"), as may be amended from time to time and as amended by the changes, additions, and deletions set forth in Section 82-26.004.

(b) At least one copy of the MWELO is on file with the Community Development Division of the Department of Conservation and Development.

(Ord. No. 2022-09 § 3, 3-1-22)

82-26.004 Amendments to the MWELO.

The MWELO is amended by the changes, additions, and deletions set forth in this section. Section numbers used below are those of the MWELO.

(a) Section 492.3, Penalties, is amended to read:

[5]Ord. No. 2022-09, §§ II, III, adopted March 1, 2022, repealed the former Ch. 82-26, §§ 82-26.202—82-26.206, 82-26.402, 82-26.404, and enacted a new Ch. 82-26 as set out herein. The former Ch. 82-26 pertained to water conservation landscaping in new developments and derived from Ord. 90-59.

492.3. Penalties. This chapter may be enforced by any remedy allowed under this code, including Chapter 14-12, and by any other remedy allowed by law.

(Ord. No. 2022-09 § 3, 3-1-22)

Chapter 82-28 FLOODPLAIN MANAGEMENT

Article 82-28.2. General

82-28.202 Statutory authorization.

This ordinance is designed to promote the public health, safety and general welfare of the citizens of Contra Costa County and is enacted pursuant to the authority of 42 United States Code Sections 4001-4128; see especially 42 U.S.C. Section 4022; Government Code Sections 25120-25132; Title 44 of the United States Code of Federal Regulations at Section 60.3, (and "all applicable associated" Technical Bulletins); Health and Safety Code Section 450; and California Constitution, Article XI, Section 7 and Government Code Sections 65302, 65560 and 65800.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.204 Findings of fact.

(1) The special flood hazard areas (SFHA) of Contra Costa County are areas subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by inadequate drainage facilities and the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities. These losses may result when structures are inadequately anchored, elevated, floodproofed or protected from flood damage.

(3) Contra Costa County has experienced serious flooding, which has resulted in substantial property damage and the potential for loss of life. Adoption of a legally enforceable floodplain management ordinance which fully complies with the recently revised rules of the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA) will allow Contra Costa County to continue its participation in the NFIP. The continued participation of the county in the NFIP is desirable and promotes the public health, safety and welfare in that it provides insurance and federal assistance in the event of flood(s) within the county's jurisdiction. In the absence of such insurance, the county's vulnerability to damage and loss resulting from flood events may be substantial and potential flood damage represents an immediate threat to the public health, safety and welfare.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.206 Statement of purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions during flooding;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines and streets and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the use and development of areas of special flood hazard subject to review by permit and application of flood damage reduction standards so as to minimize future flood blight areas;

(7) To provide information to the general public regarding special flood hazard areas in the unincorporated areas of the county;

(8) To clearly establish that those who occupy the areas of special flood hazard should assume responsibility for their actions and the losses they may suffer; and

(9) To ensure that potential buyers are notified if property is in an area of special flood hazard.

(Ords. 2000-33, 96-11, 90-118, 88-50, 87-45).

82-28.208 Methods of reducing flood losses.

In order to accomplish its purpose, this ordinance includes methods and provisions for:

(1) Restricting or prohibiting land uses that create a danger to health, safety and property due to water inundation or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(2) Requiring that land use areas vulnerable to floods be protected against flood damage at the time of initial construction including facilities such as utilities, which serve them;

(3) Requiring that the design of streets and public access facilities include consideration of accessibility under the base flood conditions for emergency service vehicles and any rescue and relief operations;

(4) Controlling and limiting the alteration of natural floodplains, stream channels and natural protection barriers that help accommodate or channel floodwaters;

(5) Controlling filling, grading, dredging and other development which may increase flood damage;

(6) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas.

(7) Requiring orderly development of drainage facilities within watershed areas as development occurs;

(8) Recognizing the importance and beneficial functions of natural floodplains; and

(9) Requiring that all new construction and substantial improvements within floodplains be constructed in such a manner that flood damage will be minimized.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

Articles 82-28.4. and 82-28.5. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

82-28.402 Appeal.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or decision on a request for a variance.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.404 Area of shallow flooding.

"Area of shallow flooding" means a designated AO, AH or VO zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.406 Base flood elevation (BFE).

"Base flood elevation (BFE)" means the elevation above "mean sea level" to which the base flood will rise as determined by FEMA or the floodplain administrator.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.408 Base flood.

"Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood").

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.410 Basement.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.412 Breakaway walls.

"Breakaway walls" are any type of walls, whether solid or lattice and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material that is not part of the structural support of the building and that is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(2) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.414 Building permit.

"Building permit" means a: building permit, plumbing permit, electrical permit or mechanical permit issued by the Contra Costa County building inspection department.

(Ords. 2000-33, 99-35, 96-11).

82-28.416 Coastal high-hazard area.

"Coastal high-hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is the area subject to high-velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a FIRM as zone VI-V30, VE or V.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.418 Development.

"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations and storage of equipment or materials.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.420 Encroachment.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

(Ord. 2000-33, 99-35).

82-28.422 Existing manufactured home park or subdivision.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets are completed on or before the effective date of this ordinance.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.424 Expansion to an existing manufactured home park or subdivision.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete pads or the construction of streets.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.426 Flood or flooding.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of floodwaters; and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source; and/or

(3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event that results in flooding as defined in this definition.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.428 Flood boundary and floodway map.

"Flood boundary and floodway map" means the official map described in Section 82-28.604 on which the FEMA or FIA has delineated both the areas of flood hazard and the floodway.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.430 Flood insurance rate map (FIRM).

"Flood insurance rate map (FIRM)" means the official map described in Section 82-28.604 on which the FEMA or FIA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.432 Flood insurance study.

"Flood insurance study" means the official report described in Section 82-28.604 provided by the FIA that includes flood profiles, the FIRM, the flood boundary and floodway map, and in some areas, the base flood elevation.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.434 Floodplain or flood-prone area.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (See definition of "flood or flooding").

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.436 Floodplain administrator.

"Floodplain administrator" means the individual appointed to administer and enforce the floodplain management regulations.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.438 Floodplain management.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control work and floodplain management regulations.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.440 Floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control regulations) and other applications of the police power that control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof that provide standards for preventing and reducing flood loss and damage.

(Ord. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.442 Floodplain permit.

"Floodplain permit" means a permit required of all development which occurs in any area designated by FEMA as a SFHA and as required by the floodplain administrator.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.444 Floodproofing.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures that eliminate flood damage to real estate or improved real property, water and sanitary facilities and nonresidential structures and their contents.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.446 Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.30 meters (one foot). The floodway shall be as designated on the FIRMS and/or as designated by the floodplain administrator whether or not a floodplain is shown on the FIRM. Also referred to as "Regulatory floodway."

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.448 Flood resistant.

"Flood resistant" means any combination of structural and nonstructural additions, changes or adjustments to structures that reduces flood damage, generally allowing floodwaters to enter and exit the building without causing any significant damage to the structures or their contents.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.450 Flood-resistant materials.

"Flood-resistant materials" means any building material capable of withstanding direct and prolonged (at least seventy-two hours) contact with floodwaters without sustaining significant damage (any damage requiring more than low-cost cosmetics repair, such as painting). Acceptable materials are specified in "technical bulletins" and/or as approved by the floodplain administrator.

(Ord. 2000-33, 99-35).

82-28.452 Flood-related erosion.

"Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(Ord. 2000-33, 99-35).

82-28.454 Flood-related erosion area or flood-related erosion prone area.

"Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(Ord. 2000-33, 99-35).

82-28.456 Flood-related erosion area management.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control work and floodplain management regulations.

(Ord. 2000-33, 99-35).

82-28.458 Floodway fringe.

"Floodway fringe" means that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

(Ord. 2000-33, 99-35).

82-28.460 Fraud and victimization.

"Fraud and victimization," as related to Section 82-28.516, Variances, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the zoning administrator will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

(Ord. 2000-33, 99-35).

82-28.462 Freeboard.

"Freeboard" means a factor of safety usually expressed in feet above a base flood elevation for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.464 Functionally dependent use.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. (The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.)

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.466 Governing body.

"Governing body" means the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

(Ord. 2000-33, 99-35).

82-28.468 Hardship.

"Hardship," as used in Section 82-28.516, Variances, means the exceptional hardship that would result from a failure to grant the requested variance. The county requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.470 Highest adjacent grade.

"Highest adjacent grade" means the highest natural (i.e. undisturbed) elevation of the ground surface prior to construction next to the proposed walls of a structure.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.472 Historic structure.

"Historic structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.474 Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance. (Note: This definition allows attached garages to be built at grade (with adequate venting). Below grade garages are not allowed as they are considered to be basements.)

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.476 Manufactured home.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days and neither continuously licensed nor "road ready."

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.478 Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.479 Market value.

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical condition but shall not include economic or other forms of external obsolescence. Use of replace costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

(Ord. 2000-33, 99-35).

82-28.480 Mean sea level.

"Mean sea level" means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.482 New construction.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after (July 16, 1987) the effective date of Contra Costa County's floodplain management ordinance, and includes any subsequent improvements to such structures.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.484 Obstruction.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.486 One-hundred-year flood.

"One-hundred-year flood" or "100-year flood" means a flood which has a one percent annual probability of being equaled or exceeded. (Also called the "base flood.")

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.488 Person.

"Person" means an individual or the individual's ~~his~~ agent, firm, partnership, association or corporation, or any agent of the aforementioned groups, or this state, its agencies or political subdivisions.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.490 Public safety and nuisance.

"Public safety and nuisance," as related to Section 82-28.516, Variances, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

(Ord. 2000-33, 99-35).

82-28.492 Reconstruction.

"Reconstruction" means to perform major construction or modifications to an existing structure, that makes the existing structure like or better than new. Reconstruction does not cover normal or routine maintenance unless otherwise specified in Section 82-28.472.

(Ord. 2000-33, 99-35, 96-11).

82-28.494 Recreational vehicle.

"Recreational vehicle" means a vehicle that is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(Ord. 2000-33, 99-35).

82-28.496 Regulatory floodway.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.30 meter (one-foot).

(Ord. 2000-33, 99-35).

82-28.498 Remedy a violation.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages,

implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.500 Riverine.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.502 Sand dunes.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.504 Special flood hazard area (SFHA).

"Special flood hazard area (SFHA) means an area having special flood or flood-related erosion hazards and shown on FIRM as Zone A, AO, A1-30, A99, AH, VO, V1-30 or V.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.506 Start of construction.

"Start of construction" means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement or foundations, or the erection of temporary forms, the footings, piers, or installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.508 Structure.

"Structure" means a walled and roofed building, or manufactured home, including a gas or liquid storage tank, that is principally aboveground.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.510 Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

(Ord. 2000-33, 99-35).

82-28.512 Substantial improvement.

"Substantial improvement" means any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed.

The percentage figure shall be added to any successive building permits that may be issued or have been issued within a contiguous ten-year span. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include:

(1) Any project for improvement of a structure to comply (not required because of flood damage) with existing state or local health, sanitary or safety code specifications which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of an "historic structure," provided that the alteration will not preclude the structures continued designation as an "historic structure."

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.514 Technical bulletin.

"Technical bulletin" means bulletins developed by the Federal Emergency Management Agency (FEMA), the California Department of Water Resources (CA DWR) or the floodplain administrator. These bulletins clarify specific requirements of federal, state or local laws pertaining to floodplain management.

(Ord. 2000-33, 99-35).

82-28.516 Variance.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (See "Hardship.")

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.518 Violation.

"Violation" means the failure of a structure or other development to be in compliance with this ordinance. (A structure or other development without an elevation certificate, other certifications or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.)

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.520 Water surface elevation.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 2000-33, 99-35).

82-28.522 Watercourse.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. 2000-33, 99-35).

Article 82-28.6. General Provisions

82-28.602 Lands to which this ordinance applies.

Articles 82-28.2 through 82-28.12 apply to all areas of special flood hazards within the jurisdiction of Contra Costa County, as shown on the maps described in Section 82-28.604

(Ord. No. 2016-16, § III, 6-21-16; Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.604 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard have been identified by FEMA or the FIA in a scientific and engineering report entitled "Flood Insurance Study for Contra Costa County, Unincorporated Areas," dated July 16, 1987, with accompanying FIRM and flood boundary and floodway map of same date and all subsequent amendments and/or revisions, which study and maps are adopted by reference and declared to be a part of this ordinance. This flood insurance study and accompanying maps are on file at the Contra Costa County Public Works Department, 255 Glacier Drive, Martinez. This flood insurance study is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended by the floodplain administrator. Within the areas of special flood hazard identified in the flood insurance study, accompanying maps and supplemental studies, freeboard is required. In the San Francisco Bay Delta Estuarine Region, 0.61 meters (two feet) of freeboard is required. In all other unincorporated areas of the county, 0.30 meters (one foot) of freeboard is required.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.606 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an infraction punishable as provided in Government Code Section 25132. Nothing herein shall prevent the Contra Costa County board of supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.608 Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.610 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the county; and,

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.612 Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the county, any officer or employee thereof or the FIA, for any flood damages that result from reliance on this ordinance or any administrative decision made thereunder.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.614 Severability.

This ordinance and the various parts thereof are declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

Article 82-28.8. Administration

82-28.802 Establishment of floodplain permit.

A floodplain permit shall be obtained from the Contra Costa County public works department before construction, and prior to issuance of a grading permit or building permit, or commencement of development on any property within any area of special flood hazards established in Section 82-28.604. Application for a floodplain permit shall be made on forms furnished by the floodplain administrator, in the public works department of Contra

Costa County and may include, but not be limited to: plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; and the location of existing or proposed structures, fill, storage of materials, drainage facilities or other development defined in this ordinance. Specifically, the following information is required:

(1) Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures. In zone AO or VO, elevation of highest adjacent grade, and proposed elevation of lowest floor of all structures;

(2) Proposed elevation, in relation to mean sea level, to which any structure will be floodproofed;

(3) All appropriate certifications listed in Section 82-28.806;

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(5) Description of the extent to which grading is proposed within the SFHA.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.803 Development permit application.

Prior to a variance permit, land use permit, development plan permit or tentative map application being deemed complete on any property within any area of special flood hazards established in Section 82-28.604, an applicant must provide verification from the floodplain administrator that the required flood zone, BFE and minimum finished floor elevation has been determined.

(Ord. 2000-33, 99-35, 96-11).

82-28.804 Designation of the floodplain administrator.

The public works director of Contra Costa County shall be the floodplain administrator but may designate a person under the public works director's~~his~~ supervision (chiefly the floodplain manager) to administer and implement this ordinance by granting or denying floodplain permits in accordance with its provisions.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.806 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

(1) Review Permits.

(a) Review all floodplain permits to determine that the permit requirements of this chapter have been satisfied;

(b) Review written statements required to be submitted by each applicant that all other required state and federal permits have been obtained;

(c) Review floodplain permits for compliance with FEMA requirements for elevation of structures above the floodplain plus freeboard; and

(d) Review floodplain permits for compliance with FEMA requirements so that the proposed development does not adversely affect the carrying capacity of the floodway. For purposes of

this chapter, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than 0.30 meters (one foot) at any point.

(2) Use of Other Base Flood Elevation Data. When base flood elevation data has not been provided in accordance with Section 82-28.604, the floodplain administrator shall require, obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 82-28.10. Generally speaking, consisting of more than ten new insurable structures will be required to determine the base flood elevation by developing a detailed hydrology and hydraulic study, including, but not limited to, a back water analysis. Developments of ten or fewer insurable structures will be required to determine the base flood elevation using standards acceptable to the floodplain administrator.

(3) Notify Agencies of Watercourse Alteration or Relocation. When a watercourse is to be altered or relocated, the floodplain administrator shall notify the Contra Costa County flood control and water conservation district, adjacent communities and the California Department of Water Resources prior to such alteration or relocation of the watercourse, send copies of such notice to the FIA, and require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

(4) Maintain Records. The floodplain administrator shall be provided with, and shall maintain, the following records:

(a) The certification required in Section 82-28.1002(3)(a) (floor elevations);

(b) The certification required in Section 82-28.1002(3)(b) (elevations in areas of shallow flooding);

(c) The certification required in Section 82-28.1002(3)(d)(iii) (elevation of floodproofing of nonresidential structures);

(d) The certification required in Section 82-28.1002(3)(d)(i) or 82-28.1002(3)(d)(ii) (wet floodproofing standard);

e) The certification of elevation required in Section 82-28.1006(2) (subdivision standards);

(f) The certification required in Section 82-28.1010 (floodway encroachments); and

(g) The information required in Section 82-28.1012(6) (coastal construction standards).

(5) Determination of Boundaries. The floodplain administrator may make interpretations where needed, about the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be conflict between mapped boundaries and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 82-28.12.

(6) Remedy Violations. The floodplain administrator may take appropriate action to remedy violations of this ordinance as specified in Section 82-28.606, with the assistance of the code enforcement officer.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.808 Appeals.

The board of supervisors of Contra Costa County shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this ordinance.

(Ord. 2000-33 and 99-35).

Article 82-28.10. Provisions for Flood Hazard Reduction

82-28.1002 Standards of construction.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes shall meet the anchoring standards of Section 82-28.1008.

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) In zones AH, AO or VO, adequate drainage paths around structures. To guide floodwaters around and away from proposed structures shall be constructed.

(3) Elevation and Floodproofing.

(a) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation plus required freeboard. In the San Francisco Bay Delta Estuarine Region, 0.61 meters (two feet) of freeboard is required. In all other unincorporated areas of the county, 0.30 meters (one-foot) of freeboard is required. Nonresidential structures may meet the standards in Section 82-28.1002(3)(c). Upon the completion of the substructure but prior to completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

(b) New construction and substantial improvement of any structure in zone AH, AO or VO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in meters (feet) on the FIRM plus required freeboard, or at least 0.61 meters (two feet) if no depth number is specified. In the San Francisco Bay Delta Estuarine Region, 0.61 meters (two feet) of freeboard is required. In all other unincorporated areas of the county, 0.30 meters (one-foot) of freeboard is required. Nonresidential structures may meet the standards in Section 82-28.1002(3)(c). Upon the completion of the substructure but prior to completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the building inspector to

be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

(c) If the difference in elevation between the lowest floor and the ground below the lowest floor is two meters (6.6 feet) or greater, the applicant will provide the floodplain administrator with a deed restriction. This deed restriction will be recorded and will run with the property (not the applicant). This restriction will limit the area below the lowest floor to be used only for building access, storage and parking of vehicles and will not allow this area to be developed into habitable space.

(d) Nonresidential construction shall either be elevated in conformance with Section 82-28.1002 (3)(a) or (b), or together with attendant utility and sanitary facilities:

(i) Be floodproofed so that below the base flood level plus freeboard, the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator; or

(iv) The floodplain administrator may allow the nonresidential structure to be made "flood resistant." Flood resistant structures shall comply with Section 82-28.1002(3)(e).

(e) For all new construction and substantial improvements, with fully enclosed areas below the lowest floor, (excluding basements) that are usable solely for parking of vehicles, building access or storage, and are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(i) Have a minimum of two openings with a total net area of not less than 6.45 square centimeters (one square inch) for every 0.09 square meters (one square foot) of enclosed area subject to flooding. The bottom of all openings shall be no higher than 0.3 meter (one foot) above grade. (Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters).

(4) Manufactured homes shall also meet the standards in Section 82-28.1008.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.1004 Standards for utilities.

(1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.

(2) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. All septic tanks shall be adequately anchored to resist flotation, collapse or lateral movement.

(3) Onsite water supply systems shall be located to avoid impairment to them or contamination of them during flooding.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.1006 Standards for subdivisions.

(1) All applications for tentative map approval are incomplete unless the tentative maps identify the flood hazard area and the elevation of the base flood. (See Section 82-28.806(2))

(2) All final subdivision improvement plans shall provide the elevation of proposed structure(s), pads and streets. If the site is filled above the base flood, the final pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

(3) All subdivision proposals shall be consistent with the need to minimize flood damage.

(4) All subdivision proposals shall have public utilities and facilities such as road, sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(5) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.1008 Standards for manufactured homes.

(1) All manufactured homes to be placed or substantially improved within special flood hazard areas (zones A1-30, and AH), as shown on the study and maps described in Section 82-28.604, shall:

  (a) Be elevated and anchored to a foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, plus required freeboard. In the San Francisco Bay Delta Estuarine Region, 0.61 meters (two feet) of freeboard is required. In all other unincorporated areas of the county, 0.30 meters (one-foot) of freeboard is required; and

  (b) Be securely anchored to an adequately designed foundation system to resist flotation, collapse or lateral movement in accordance with California Health and Safety Code Sections 18613.4 or 18551.

(2) Section 82-28.1008(1) shall apply to:

  (a) Manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision;

  (b) Manufactured homes to be placed or substantially improved outside of a manufactured home park or subdivision; and

  (c) Manufactured homes to be placed in a manufactured home park or subdivision established on or after the effective date of this ordinance.

(3) Section 82-28.1008(1)(a) shall not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision, except:

  (a) Where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of the streets, utilities and pads before the repair, reconstruction or improvement is commenced; or

  (b) The manufactured home has incurred "substantial damage" as a result of a flood.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.1009 Standards for recreational vehicles.

(1) All recreational vehicles placed on sites within a special flood hazard area (zones A1-30, AH, and AE) on the FIRM shall:

(a) Be on the site for fewer than one hundred eighty consecutive days; or

(b) Be fully licensed, insured and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or integral jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

(c) Meet the permit requirements of Section 82-28.802 and the elevation and anchoring requirements for manufactured homes in Section 82-28.1008.

(Ords. 2000-33, 99-35, 96-11).

82-28.1010 Floodways.

Within special flood hazard areas established in Section 82-28.604 are areas designated as floodways. A floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and the potential for erosion. Floodways may or may not be specifically designated on the FIRM maps, their existence will be as determined by the floodplain administrator. Encroachments, including fill, new construction, substantial improvements and other development are not allowed in a floodway unless certification by a registered professional engineer is provided demonstrating that the encroachment(s) shall not result in any increase in flood levels during the occurrence of the base flood discharge. Allowed new construction and improvements shall comply with all applicable flood hazard reduction provisions of Article 82-28.10.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.1012 Coastal high hazard areas.

Within coastal high hazard areas established in Section 82-28.604, the following standards shall apply:

(1) All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation plus required freeboard. In the San Francisco Bay Delta Estuarine Region 0.6 meter (two feet) of freeboard is required. In all other unincorporated areas of the county, 0.3 meter (one foot) of freeboard is required. The pile or column foundation, and structure attached hereto, shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood plus freeboard. Wind loading values used shall be those required by applicable state or local building standards.

(2) All new construction shall be located on the landward side of the reach of mean high tide.

(3) All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation.

(4) Fill shall not be used for structural support of buildings.

(5) Manmade alteration of sand dunes which would increase potential flood damage is prohibited.

(6) The floodplain administrator shall obtain and maintain the following records:

(a) Certification by a registered engineer or architect that a proposed structure complies with Section 82-28.1012(1); and

(b) The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures; and whether such structures contain a basement.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

Article 82-28.12. Variance Procedure

82-28.1201 Nature of variances.

The variance criteria set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the county to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. (The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in the ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate).

(Ords. 2000-33, 99-35, 96-11).

82-28.1202 Appeal process.

(1) The zoning administrator of Contra Costa County shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The zoning administrator shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this ordinance.

(3) In passing upon such applications, the zoning administrator shall consider all technical evaluations, all relevant factors and standards as specified in this ordinance, and all other relevant factors including, but not limited to the following:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner and future owners of the property and the community;

(d) The importance of the services provided by the proposed facility to the community, where applicable;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in time of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.

(4) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided Section 82-28.1202(3) factors have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance will increase.

(5) Upon consideration of the factors of Section 82-28.1202(3) and the purposes of this ordinance, the zoning administrator may attach such conditions to the granting of variances as deemed necessary to further the purposes of this ordinance.

(6) Appeals from zoning administrator decisions may be made in the time and manner provided in Contra Costa County Ordinance Code Article 26-2.24 to the planning commission and board of supervisors upon payment of prescribed fees.

(7) The floodplain administrator shall maintain the records of all appeal actions and report any variances granted to the FIA upon request.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

82-28.1204 Conditions for variances.

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of "historic structures" upon a determination that the proposed restoration or rehabilitation will not preclude the structures continued designation as an historic structure and the minimum necessary variance is to preserve the historic character and design of the structure without regard to the procedures set forth in the remainder of this section.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(5) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Section 82-28.1204(1) - (4) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(6) Any applicant to whom a variance is granted shall be given written notice over the signature of the floodplain administrator that:

(a) The issuance of a variance to construct a structure below the base flood level will result in significantly increased premium rates for flood insurance. Insurance premiums as high as $25.00 for $100.00 of insurance coverage are possible; and

(b) Such construction below the base flood level increases risks to life and property. It is required that a copy of the notice shall be recorded by the floodplain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(Ords. 2000-33, 99-35, 96-11, 90-118, 88-50, 87-45).

Article 82-28.14. Flood Hazard Zones

82-28.1402 Lands to which this article applies.

This article applies to all land in a flood hazard zone located in that portion of the Sacramento-San Joaquin Valley that is within the jurisdiction of Contra Costa County. The location of all flood hazard zones in that portion of the Sacramento-San Joaquin Valley within Contra Costa County, and the location of all urban areas and urbanizing areas in those flood hazard zones, is shown on a map certified by the Conservation and Development Director and on file at the Conservation and Development Department, 30 Muir Road, Martinez.

(Ord. No. 2016-16, § II, 6-21-16)

82-28.1404 Definitions.

For purposes of this article, the following terms have the following meanings:

(a) "Flood hazard zone" has the meaning set forth in Government Code section 65007(d).

(b) "Urban area" has the meaning set forth in Government Code section 65007(l).

(c) "Urbanizing area" has the meaning set forth in Government Code section 65007(m).

(Ord. No. 2016-16, § II, 6-21-16)

82-28.1406 Development agreements in flood hazard zones.

An agreement under Article 2.5 of Chapter 4 of the California Government Code to develop property located within a flood hazard zone must comply with Government Code section 65865.5.

(Ord. No. 2016-16, § II, 6-21-16)

82-28.1408 Permits and entitlements in flood hazard zones.

The following permits or entitlements for a project located within a flood hazard zone may only be issued in accordance with the requirements of Government Code section 65962:

(a) A discretionary permit or other discretionary entitlement that would result in the construction of a new building.

(b) A discretionary permit or other discretionary entitlement for construction that would result in an increase in allowed occupancy for an existing building.

(b) A ministerial permit that would result in the construction of a new residence.

(Ord. No. 2016-16, § II, 6-21-16)

82-28.1410 Maps in flood hazard zones.

A tentative map or a parcel map for a subdivision located within a flood hazard zone must comply with Government Code section 66474.5.

(Ord. No. 2016-16, § II, 6-21-16)

Chapter 82-30 DUAL WATER SYSTEMS

Article 82-30.2. General

82-30.202 Purpose.

The purpose of this chapter is to establish procedures for county cooperation with public water and wastewater agencies within the county's unincorporated area in the development of projects to incorporate dual water systems whenever feasible and consistent with applicable legal, public health, safety and environmental requirements.

(Ord. 91-19 § 2).

82-30.204 Construction.

Should any provisions of this chapter conflict with those of Chapter 414-4, the provisions of Chapter 414-4 shall prevail.

(Ord. 91-19 § 2).

82-30.206 County-owned properties.

It is the policy of the county where appropriate to plan and design facilities for its owned new properties and major property improvements to accommodate dual water systems in accordance with this chapter.

(Ord. 91-19 § 2).

Article 82-30.4. Definitions

82-30.402 Dual water system.

As used in this chapter, "dual water system" means two separate and unconnected water distribution systems servicing the same parcel(s). One system conveys water suitable for all potable and nonpotable uses. One system conveys water suitable for appropriate and approved nonpotable uses. Possible examples of appropriate nonpotable uses in approved circumstances are agricultural irrigation, landscape irrigation, landscape impoundments, industrial process water and construction water.

(Ord. 91-19 § 2).

82-30.404 Potable water.

As used in this chapter, "potable water" means water which conforms to federal, state and local agency standards for human consumptions.

(Ord. 91-19 § 2).

82-30.406 Nonpotable water.

As used in this chapter, "nonpotable water" means water that is not potable. Some examples are untreated surface and groundwaters and recycled water.

(Ord. 91-19 § 2).

82-30.408 Dual water system areas.

As used in this chapter, "dual water system areas" means precise geographic areas designated by the local water or wastewater public agency having jurisdiction to provide and/or control water service as having a dependable supply of nonpotable water available or where the feasibility of distributing a nonpotable water supply has been determined and dual water systems are required by the involved agency.

(Ord. 91-19 § 2).

82-30.410 Recycled water.

As used in this chapter, "recycled water" means water which, as a result of treatment of wastewater, meets all applicable requirements established by the state regional water quality control board having jurisdiction and regulating the use of recycled water and is suitable for appropriate and approved nonpotable uses.

(Ord. 91-19 § 2).

Article 82-30.6. Designated Dual Water System Areas

82-30.602 Designation of areas.

Certain areas may be designated by the local water or wastewater public agency having jurisdiction as Section 82-30.408 "dual water system areas." In such areas, the involved agency has or may require installation of separate dedicated meter(s) and systems for use of nonpotable water for appropriate and approved uses at the

time of service or in the future. Upon receipt of any board of supervisors' request, the involved agency shall consider the establishment of any proposed dual water system area.

(Ord. 91-19 § 2).

82-30.604 Boundary descriptions.

Within sixty days of the designation of a "dual water system area(s)" by the involved local water or wastewater agency having jurisdiction, a precise geographic boundary description(s) and map(s) thereof for the area(s) shall be filed with the county's community development department.

(Ord. 91-19 § 2).

82-30.606 Connections.

Existing consumers or others within "dual water system areas" who received water service prior to the agency's designation of said area, may at the discretion of the local water or wastewater public agency having jurisdiction, be connected to the nonpotable water system in accordance with the agency applicable regulations.

(Ord. 91-19 § 2).

Article 82-30.8. Development Applications

82-30.802 Applications.

All development entitlement applications filed with the community development department for projects which are: in a dual water system area; or greater than fifteen acres; or greater than one hundred twenty thousand square feet in floor space; or a portion of an area of aggregate development potential greater than fifteen acres or one hundred twenty thousand square feet in floor space shall be referred to the local water or wastewater agency having jurisdiction for determination and designation by the involved agency's of its requirements for dual water systems. As soon as it may be reasonably done after the community development department received a development entitlement application (but in no event more than fifteen days after an application is determined or deemed complete), the department shall refer the application pursuant to this section to the involved local agency.

(Ord. 91-19 § 2).

82-30.804 Entitlement approvals.

The planning agency shall not approve a development entitlement application subject to this article's provisions until written notification of all requirements imposed and required by the involved local water or wastewater agency for dual water systems are received, reviewed and considered for inclusion in any approval of the pending application. If the involved local water or wastewater agency does not provide its written notification within thirty days of the referral date, the planning agency may take action to approve the involved pending application. Notwithstanding the other provisions of this section, the planning agency may take action at any time and approve a pending application if within the next thirty days the said application may be deemed approved or otherwise decided by operation of law.

(Ord. 91-19 § 2).

Article 82-30.10. Exemption

82-30.1002 Application exemption.

Development entitlement applications on file with the community development department on or before May 8, 1991 are exempt from the provisions of this chapter.

(Ord. 91-19 § 2).

Chapter 82-32 TRANSPORTATION DEMAND MANAGEMENT

82-32.002 Definitions.

As used in this chapter, the following terms shall have the following meanings:

(a) "Residential Project" means any residential development application containing thirteen or more dwelling units that must be approved through a public hearing process and has not received final approval.

(b) "Non-Residential Project" means any non-residential or, mixed-use development application that must be approved through a public hearing process and has not received final approval. Non-residential project also includes an application to expand an existing office or industrial structure that has at least five thousand square feet of gross floor area, by twenty-five percent or more of the structure's gross floor area.

(c) "Sponsor" means the owner or developer of a residential or non-residential project.

(d) "TDM" stands for "Transportation Demand Management."

(Ords. 2003-02 § 2, 92-31 § 3).

82-32.004 Intent and purpose.

(a) The intent of this chapter is to further the transportation goals of the County General Plan, the Measure C Growth Management Program, Contra Costa County's Congestion Management Program, and the Bay Area Clean Air Plan.

(b) The purpose of this chapter is to implement the provisions of the general plan to promote a more balanced transportation system that takes advantage of all modes of transportation by:

(1) Incorporating pedestrian, bicycle, and transit access into improvements proposed in development applications;

(2) Incorporating the overall intent and purpose of this chapter into the land use review and planning process;

(3) Allowing requests for reductions in the off-street parking requirements for residential or nonresidential projects that have a conceptual TDM Program;

(4) Providing information to residents on opportunities for walking, bicycling, ridesharing and transit.

(Ord. 2003-02 § 2. See Ords. 97-12, 94-27, 94-26).

82-32.006 TDM requirements.

The requirements of this chapter shall apply to all development projects, residential or nonresidential.

(Ords. 2003-02 § 2, 92-31 § 3).

82-32.008 Off-street parking reductions.

(a) A project may qualify for reductions in off-street parking requirements pursuant to this section. A sponsor requesting parking reductions shall submit a conceptual TDM program to the community development department concurrently with the application for the project. If the tenant is known, the project sponsor and tenant shall jointly submit the conceptual TDM program.

(b) Conceptual TDM Program. The conceptual TDM program shall identify TDM measures that can be demonstrated to attain the trip reductions necessary to qualify for the requested parking reductions. The department shall review the project's conceptual TDM program and make a recommendation to the division of the planning agency hearing the project application.

(c) The sponsor shall include in the tentative map, land use permit, or development plan application, any improvements that will provide access to public transit, ridesharing opportunities and nonmotorized forms of travel.

(d) If the project lies within a transit service area identified in the circulation element of the general plan, the sponsor shall consult with the transit service provider on the need to provide infrastructure to connect the project with the transit services. Evidence of compliance with this requirement may include correspondence from the local transit provider(s) regarding the potential need for installing bus turnouts, shelters or bus stops at the site.

(e) Final TDM Program. The design and implementation of the final TDM program shall be a condition of a project's approval. The sponsor and all subsequent owners of the project shall provide deed notification of mandatory participation in the final TDM program to all subsequent purchasers and owners of the project.

(Ords. 2003-02 § 2, 92-31 § 3).

82-32.010 Residential projects.

(a) A sponsor of a residential project containing thirteen or more dwelling units shall prepare and implement a TDM program that includes at least the following:

(1) Owner-Occupied Units. Upon a residential dwelling being sold or offered for sale, the sponsor shall notify and offer to the buyer or prospective buyer, as soon as it may be done, materials describing public transit, ridesharing, and nonmotorized commuting opportunities available in the vicinity of the project. Such information shall be transmitted no later than the close of escrow;

(2) Rental Units. Upon a residential dwelling being rented or offered for rent, the sponsor shall notify and offer to the tenant or prospective tenant, materials describing public transit, ridesharing, and nonmotorized commuting opportunities in the vicinity of the development. The materials shall be approved by the community development department. The materials shall be provided no later than the time the rental agreement is executed.

The sponsor and all subsequent owners of the project shall provide deed notification of mandatory participation in the TDM program to all subsequent purchasers and owners of the project.

(b) A sponsor shall include in the tentative map or development plan application, all improvements that will provide access to public transit, ridesharing opportunities and nonmotorized forms of travel.

(c) A sponsor whose project lies within a local transit service area identified in the circulation element of the general plan shall consult with the local transit service provider on the need to provide infrastructure to connect the project with transit services. Evidence of compliance with this requirement may include correspondence from the local transit provider(s) regarding the potential need for installing bus turnouts, shelters or bus stops at the site.

(d) A sponsor of a project that is estimated to generate one hundred or more A.M. or P.M. peak-hour trips (based upon the trip generation rates from the ITE Trip Generation, 6th edition 1997, or the most current published edition) shall prepare a traffic study that demonstrates how the project will provide the necessary infrastructure to meet the traffic level of service standards and the performance standards as outlined in the growth management element of the general plan. The study shall be subject to the approval of the community development department and shall, at a minimum:

(1) Include a traffic impact analysis if the project could cause a signalized intersection or a freeway ramp to exceed the applicable standards, including identifying mitigation measures to be implemented (which may include payment of fees), as necessary for the intersection or ramp to operate in conformance with applicable standards;

(2) Identify any routes of regional significance and/or intersections with findings of special circumstances that would be affected by the project. (These routes and/or intersections will require alternate mitigation applicable to the appropriate action plan in the Measure C Growth Management Program.);

(3) Identify any arterial or collector roads in the circulation element of the general plan that may be affected by the project. Determine whether the project will adversely impact these roads and if any mitigation measures will be required.

(Ords. 2003-02 § 2, 92-31 § 3).

82-32.012 Nonresidential projects.

Nonresidential projects will be analyzed to ensure conformity with applicable growth management standards.

(a) A sponsor shall include in the tentative map or development plan application, all improvements that will provide access to public transit, ridesharing opportunities and nonmotorized forms of travel.

(b) A sponsor whose project lies within a local transit service area identified in the circulation element of the general plan shall consult with the local transit service provider on the need to provide infrastructure to connect the project with transit services. Evidence of compliance with this requirement may include correspondence from the local transit provider(s) regarding the potential need for installing bus turnouts, shelters or bus stops at the site.

(c) A sponsor of a project that is estimated to generate one hundred or more A.M. or P.M. peak-hour trips (based upon the trip generation rates from the ITE Trip Generation, 6th edition 1997, or the most current published edition) shall prepare a traffic study that demonstrates how the project will provide the necessary infrastructure to meet the traffic level of service standards and the performance standards in the growth management element of the general plan. The study shall be subject to the approval of the community development department and shall, at a minimum:

(1) Include a traffic impact analysis if the project could cause a signalized intersection or a freeway ramp to exceed the applicable standards, including identifying mitigation measures to be

implemented (which may include payment of fees), as necessary for the intersection or ramp to operate in conformance with applicable standards.

(2) Identify any routes of regional significance and/or intersections with findings of special circumstances that would be affected by the project. (These routes and/or intersections will require alternate mitigation applicable to the appropriate action plan in the Measure C Growth Management Program).

(3) Identify any arterial or collector roads in the circulation element of the general plan that the project may affect. Determine whether the project will adversely impact these roads and if any mitigation measures will be required.

(Ords. 2003-02 § 2, 92-31 § 3).

82-32.014 Alternative studies.

A sponsor who is dissatisfied with the number of peak-hour trips as calculated pursuant to Section 82-32.010(d) or Section 82-32.012(c) may conduct a study to determine the trip generation rate for the project. The study is subject to the approval of the community development department.

(Ord. 2003-02 § 2).

Chapter 82-34 CABARETS

Article 82-34.2. General

82-34.202 Purpose.

This chapter requires and provides criteria for the consideration and approval of land use permits before the establishment of cabarets in any land use zoning district of this county. The county finds it necessary to establish land use permit requirements and criteria in the interest of the public health, safety and welfare for the establishment of cabarets. This chapter alone does not allow or permit cabarets, but only applies to cabarets where otherwise allowed or permitted within an involved applicable land use zoning district. This chapter does not authorize the establishment of cabarets in any land use district where they are not otherwise allowed or permitted by the applicable involved zoning district's regulations.

(Ord. 95-20 § 1).

Article 82-34.4. Definitions

82-34.402 Definition of cabaret.

"Cabaret" means any place where the public is admitted, where entertainment is furnished by or for any patron or guest present upon the premises, including, but not limited to singing, vaudeville and dancing, where liquid refreshments or foods are sold, and where the seating capacity is fifty or more (as determined by the director of community development); except where the only entertainment furnished is by recording machine, commonly known as a jukebox, and dancing is not permitted.

(Ord. 95-20 § 1).

82-34.404 Limited definition of cabaret.

The definition of cabaret in Section 82-34.402 is limited to this chapter, and does not apply to or supersede other definitions of cabaret, including the definition of cabaret in Section 88-12.404(6).

(Ord. 95-20 § 1).

Article 82-34.6. Applications

82-34.602 Nonconforming use.

Upon the effective date of the ordinance codified in this chapter, any person who claims or believes they have~~he or she has~~ established a legal nonconforming use to maintain a cabaret shall, within sixty days of the effective date of the ordinance codified in this chapter, provide written evidence describing the extent and scope of such use to the director of the community development department. To the extent such legal nonconforming use has been established and continued after the effective date of the ordinance codified in this chapter, all applicable permits and licenses must be maintained in full force and effect and the use may not be increased, enlarged or expanded without a land use permit as provided in this chapter.

(Ord. 95-20 § 1).

82-34.604 Application contents.

In addition to the applicable requirements of Chapters 26-2 and 82-6 and the involved zoning district, an application for a land use permit approving a cabaret shall contain the following information:

(1) A description of where the proposed cabaret is to be located on the subject property, including a description of the building or structure within which the cabaret is to be located and the number of seats therein;

(2) If alcohol is to be sold to patrons or guests, a description of applicable alcohol beverage licenses;

(3) The true name and complete address of each owner of the building or structure within which the proposed cabaret is to be located;

(4) The true name and complete address of each lender, shareholder with five percent or more financial interest in the proposed cabaret, and any other person to whom a share or income of the cabaret is to be paid;

(5) A description of the entertainment to be furnished at the proposed cabaret;

(6) A description of all proposed cabaret activities;

(7) If dancing is intended at the proposed cabaret, a description of the area where dancing is to occur; and

(8) A description of the security measures planned for the proposed cabaret, including on-site supervision.

(Ord. 95-20 § 1).

Article 82-34.8. Land Use Permits

82-34.802 Requirement.

No cabaret shall be established and maintained unless and until a land use permit is first obtained pursuant to this chapter and maintained in full force and effect.

(Ord. 95-20 § 1).

82-34.806 Additional findings.

In addition to the findings established in Article 26-2.20, no land use permit for a cabaret shall be issued unless the following findings are made:

(1) The cabaret will not adversely affect the health, safety and welfare of the surrounding community;

(2) The cabaret will not significantly increase the demand for police services;

(3) The cabaret will not produce an undue concentration of cabarets in the surrounding community;

(4) The cabaret will no detrimentally affect nearby residentially zoned communities;

(5) The cabaret will not be unduly close to residences, schools, youth centers, playgrounds, public parks and other similar locations frequented by children and their families; and

(6) The cabaret will include adequate security measures and on-site supervision.

(Ord. 95-20 § 1).

82-34.808 Granting.

Land use permits for the special cabaret uses enumerated in this chapter may be granted as provided and required by this chapter and in accordance with Chapters 26-2 and 82-6.

(Ord. 95-20 § 1).

82-34.810 Annual review.

There shall be a permittee-initiated annual review by the zoning administrator to determine if each cabaret granted a land use permit under this chapter is in compliance with the terms and conditions of the land use permit. The permittee may be charged a fee as fixed by the board of supervisors for that purpose. The annual review by the zoning administrator to determine compliance may be with or without a public hearing. If the zoning administrator determines that a cabaret is not in compliance with the terms and conditions of the land use permit, the zoning administrator may initiate action against the permittee as otherwise provided by this code.

(Ord. 95-20 § 1).

Chapter 82-36 SALE OF FIREARMS

Article 82-36.2. General

82-36.202 Purpose and administration.

(a) Purpose. This chapter requires and provides criteria for the consideration and approval of land use permits and firearms dealer licenses before the sale of firearms will be permitted in any nonresidential land use zoning district of this county. The county finds it necessary to establish land use permit and firearms dealer license requirements and criteria in the interest of the public health, safety and welfare to regulate the sale of firearms in the unincorporated area. This chapter alone does not allow or permit sales of firearms, but only applies to sales of firearms where otherwise allowed or permitted within an involved applicable

nonresidential land use zoning district. This chapter does not authorize the sale of firearms in any nonresidential land use district where they are not otherwise allowed or permitted by the applicable involved zoning district's regulations.

(b) Administration. For purposes of this chapter, whenever the term "director" is referenced, it shall mean the director of the community development department or the director's ~~his or her~~ designee.

(Ords. 2003-09 § 2, 99-25 § 4; 95-59 § 1).

82-36.204 Nonconforming use.

Upon the effective date, (December 28, 1995) of this chapter, any person who claims or believes they have~~that he or she has~~ established a legal nonconforming use to conduct firearms sales, including sales of ammunition, shall, within ninety days of the effective date of this chapter, provide written evidence describing the extent and scope of such use to the director and obtain a firearms dealer license as provided in Article 82-36.8. To the extent such legal nonconforming use has been established in accordance with this section and continued after the effective date of this chapter, all applicable state and federal permits and licenses must be obtained and maintained in full force and effect and the use may not be increased, enlarged or expanded without a land use permit as provided in this chapter.

(Ords. 2003-09 § 3, 95-59 § 1).

82-36.206 Firearm.

"Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other means of combustion.

(Ord. 95-59 § 1).

82-36.208 Ammunition.

The term "ammunition," as used in this chapter, shall include any ammunition for use in any pistol or revolver from which is expelled a projectile by the force of explosion or other form of combustion.

(Ord. 95-59 § 1).

82-36.210 Firearm dealer.

The term firearms dealer, as used in this chapter, shall mean any person who is engaged in the retail sale of firearms and/or ammunition.

(Ord. 95-59 § 1).

Article 82-36.4. Applications

82-36.402 Application contents.

In addition to the applicable requirements of Chapters 26-2 and 82-6 and the involved nonresidential zoning district, an application for a land use permit to sell firearms, including ammunition, shall contain the following information:

(1) A description of where the proposed firearm sales is to be located on the subject property, including a description of the building or structure within which the sale of firearms is to take place;

(2) The true name and complete address of each owner and tenant of the building or structure within which the sale of firearms is to take place;

(3) A description of all the firearms, including ammunition, proposed to be sold;

(4) A description of the security measures planned at the premises to provide for the protection of the premises and the goods to be sold thereon; and

(5) The identification of any existing firearm dealer sales sites located within five hundred feet of the applicant's proposed sales site.

(Ord. 95-59 § 1).

Article 82-36.6. Land Use Permits

82-36.602 Requirement.

No sale of firearms, including ammunition, shall be allowed unless and until a land use permit is first obtained pursuant to this chapter and maintained in full force and effect.

(Ord. 95-59 § 1).

82-36.604 Additional findings.

In addition to the findings established in Article 26-2.20, and Section 82-6.002, no land use permit to allow the sale of firearms, including ammunition, shall be issued unless the following findings are made:

(1) The district in which the firearm sales is to take place is not a residentially zoned area; and the proposed site is not located within five hundred feet of a residentially zoned area;

(2) The firearm sales will not take place in a location which is within five hundred feet of a school, daycare, park, establishments that have on-site or off-site alcohol sales, places of worship or an existing firearm dealer's sales site;

(3) The applicant has demonstrated that the location in which the firearm sales are to take place will have adequate safe storage, security and a lighting system.

(Ord. 95-59 § 1).

82-36.606 Compliance.

In order for a land use permit issued under the provisions of this chapter to become effective and remain operable and in full force, the applicant at all times shall:

(1) Within thirty days of obtaining a land use permit and prior to any sales, first obtain a local firearms dealer license from the director, which will not be issued except upon proof of a land use permit obtained in accordance with the provisions of this chapter. Such a license will be considered for issuance pursuant to guidelines to be established by the director and in accord with criteria set forth in Article 82-36.8 and maintained in full force and effect;

(2) Maintain a record of ammunition purchases as provided in Article 82-36.10;

(3) Comply with all state and federal statutory requirements for the sale of firearms and ammunition and reporting of firearm sales (Penal Code Section 12076), including the provisions of California Penal Code Sections 12070 and 12071, including, but not limited to, the statutory requirement that all thefts of firearms be reported within forty-eight hours of discovery to the sheriff (Penal Code Section 12071(b)(13)), and within thirty days of a written request by the director, provide proof of such compliance.

(Ords. 2003-09 § 4, 95-59 § 1).

82-36.608 Granting.

Land use permits for the sale of firearms as allowed in this chapter and variance permits to modify the provisions of this article may be granted as provided and required by this chapter and in accordance with Chapters 26-2 and 82-6.

(Ord. 95-59 § 1).

Article 82-36.8. Firearms Dealer Licenses

82-36.802 Licensing authority.

The director is designated as the local licensing agent for purposes of Penal Code Section 12071, relating to firearm sales. As the local licensing agent, the director will, as the director~~he or she~~ deems necessary, administer applicable provisions relating to firearm sales (Penal Code Sections 12070, 12071) and establish guidelines for the issuance of local firearms dealer licenses in accordance with criteria established by Penal Code and as provided in Section 82-36.804. The applicant shall pay compensatory fees and costs for such permit as established by the board of supervisors pursuant to recommendation of the director.

(Ords. 2003-09 § 5, 95-59 § 1).

82-36.804 Local firearms dealer licenses.

In accordance with the provisions of Penal Code Section 12071, the director, as the local licensing authority, shall accept applications for and may grant licenses valid for one year (Penal Code Section 12071(a)(6)) permitting the retail sale of firearms and ammunition in the unincorporated area of the county where otherwise allowed by the involved zoning district, provided that a written application containing the following is submitted to and approved by the director.

(1) The name, age and address of the applicant;

(2) The address of the proposed location for which the license is required, together with the business name, if any;

(3) Proof of a possessory interest in the property at which the proposed business will be conducted in the form of ownership, lease, license or other entitlement to operate at such location and the written consent of the owner of record of real property;

(4) Proof of compliance with all federal and state licensing laws, including, but not limited to, the provisions of California Penal Code Section 12071 requiring reporting of thefts (Penal Code Section 12071(b)(13)), and security storage requirements for each firearm (Penal Code Sections 12071(b)(14), 15(c)(3));

(5) Proof of the issuance of a land use permit at the proposed location, or in the alternative, proof of compliance with the provisions of Section 82-36.204 for the establishment of a legal nonconforming use;

(6) Information relating to licenses or permits relating to other weapons sought by the applicant from other jurisdictions, including, but not limited to, date of application and whether each application resulted in issuance of a license;

(7) Information relating to every revocation of a license or permit relating to firearms, including, but not limited to, date and circumstances of the revocation;

(8) Applicant's agreement to indemnify, defend, release and hold harmless the county, its officers, agents, and employees, from and against all claims, losses, costs, damages and liabilities of any kind, including attorney fees, arising in any manner out of the applicant's negligence or intentional or wilful misconduct; and

(9) Payment of nonrefundable compensatory fees for administering this chapter in amounts to be established by resolution of the board of supervisors.

(Ords. 2003-09 § 6, 95-59 § 1).

82-36.806 Conditions of approval.

In addition to other requirements and conditions of this chapter, a firearms dealer license is subject to the following conditions, the breach of any of which is sufficient cause for revocation of the license by the director:

(1) The business shall be carried on only in the building located at the street address shown on the license.

(2) Compliance with all requirements of applicable state and federal law relating to firearm sales, including provisions relating to manner of delivery of firearms, age and identity requirements for purchasers, storage of firearms, recording and reporting of firearms sales transactions, and posting of required notices on the premises (Penal Code Sections 12071, 12076).

(3) Compliance with all requirements of applicable state and federal laws relating to firearms safety devices, including, but not limited to, Penal Code Sections 12087 through 12088.8.

(4) The licensee shall maintain a record of all ammunition sales as provided in Article 82-36.10.

(5) The licensee shall obtain and maintain any necessary local licenses, including a business license.

(Ords. 2003-09 § 7, 95-59 § 1).

82-36.808 Grounds for license denial.

The director may deny the issuance or renewal of a firearm dealer's license when one or more of the following conditions exist:

(1) The applicant is under twenty-one years of age;

(2) The applicant is not licensed as required by federal, state and local law;

(3) The applicant has had a firearms permit or license previously revoked or denied for good cause within the immediately preceding two years;

(4) The applicant has made a false or misleading statement of a material fact or omission of a material fact in the application for a firearm dealer's license; or

(5) The operation of the business as proposed would not comply with federal, state and county ordinances, including, but not limited to, the California Penal Code and applicable building and fire safety regulations.

(Ords. 2003-09 § 8, 95-59 § 1).

82-36.810 Renewability of firearms dealer license.

A firearms dealer license expires one year after the day of issuance. A license may be renewed for additional one-year periods upon the payment of the application fee and licensee's submission of a new written application for renewal which includes the information required by Section 82-36.804. Upon receipt of the fee and new application, the director will review the application and render a decision pursuant to the provisions of this article for initial license application. Such application for renewal must be received by the director no later than forty-five days before the expiration of the current license.

(Ords. 2003-09 § 9, 95-59 § 1).

Article 82-36.10. Records of Ammunition Sales

82-36.1002 Record of ammunition sales.

No firearm dealer shall sell or otherwise transfer ownership of any ammunition without at the time of purchase recording the following information on a form to be prescribed by the director: the date of the transaction; the name, address and date of birth of the transferee; the transferee's driver's license or other identification number and the state in which it was issued; the brand, type and amount of ammunition transferred; and the transferee's signature.

(Ords. 2003-09 § 10, 95-59 § 1).

82-36.1004 Inspection of records.

The records required by this section shall be maintained on the firearm dealer's premises for a period of not less than two years from the date of the recorded transfer. These records are subject to inspection by the director at any time during normal business hours.

(Ords. 2003-09 § 11, 95-59 § 1).

82-36.1006 Maintenance of records.

No person shall knowingly make a false entry in, or fail to make a required entry in, or fail to maintain in the required manner records prepared in accordance herewith.

(Ord. 95-59 § 1).

Article 82-36.12. Nonassignability and Severability

82-36.1202 Nonassignability.

A firearms dealer license issued under this chapter is not assignable. An attempt to assign a firearms dealer license renders the license void.

(Ord. 95-59 § 1).

82-36.1204 Severability.

If a part of this chapter is held to be invalid, the remaining portions of this chapter are not affected.

(Ord. 95-59 § 1).

Chapter 82-38 ALCOHOLIC BEVERAGE SALES COMMERCIAL ACTIVITIES

Article 82-38.2. General

82-38.202 Purpose and administration.

This chapter requires and provides criteria for the consideration and approval of land use permits before a new alcoholic beverage sales commercial activity will be permitted in any land use zoning district of this county. This chapter further confers deemed approved status upon existing alcoholic beverage sales commercial activities. The county finds it necessary to establish land use permit requirements and criteria in the interest of the public health, safety and welfare to regulate alcoholic beverage sales commercial activities in the unincorporated area. This chapter alone does not allow or permit alcoholic beverage sales commercial activities, but only applies to these activities where otherwise allowed or permitted within an involved applicable land use zoning district. This chapter does not authorize alcoholic beverage sales commercial activities in any land use district where they are not otherwise allowed or permitted by the applicable involved zoning district's regulations.

(Ord. 2002-33 § 2).

82-38.204 Definitions.

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

(a) "Administrative Hearing Officer." The zoning administrator or the zoning administrator's ~~his or her~~ designee is the alcoholic beverage sales administrative hearing officer.

(b) "Alcoholic Beverage." Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, that meets the following criteria: (1) contains one-half of one percent or more of alcohol by volume; (2) is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances; and (3) sales of which require a state of California Department of Alcoholic Beverage Control license.

(c) "Alcoholic Beverage Sales Commercial Activity." The retail sale, for on-premises or off-premises consumption, of alcoholic beverages. A full-service restaurant is not an alcoholic beverage sales commercial activity.

(d) "Condition of Approval." A requirement that must be carried out by: (1) a new alcoholic beverage sales commercial activity to exercise a land use permit; or (2) an existing alcoholic beverage sales commercial activity to comply with deemed approved performance standards and to retain its deemed approved status.

(e) "Crime Reporting Districts." Geographical areas within the boundaries of the unincorporated area of the county that are identified by the Contra Costa County sheriff's department in the compilation and maintenance of statistical information on reported crimes and arrests.

(f) "Deemed Approved Activity." Any alcoholic beverage sales commercial activity existing immediately before the effective date of this chapter is a deemed approved activity if it complies with the deemed approved performance standards in Section 82-38.808.

(g) "Deemed Approved Performance Standards." The standards set forth in Section 82-38.808.

(h) "Deemed Approved Status." The status conferred by this ordinance upon a deemed approved activity in accordance with Section 82-38.806.

(i) "Full-Service Restaurant." A place that: (1) is primarily, regularly and in a bona fide manner used and kept open for the serving of at least dinner to guests for compensation; and (2) has kitchen facilities containing conveniences for cooking an assortment of foods that may be required for those meals; and (3) obtains a minimum of sixty-seven percent of its gross receipts from the sale of meals and other food and drink non-alcoholic products; and (4) submits evidence of total meal and other non-alcoholic product sales to county officials upon request for purposes of determining its status under this ordinance. A place that sells or serves only sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or only snack foods, or both, is not a full-service restaurant.

(j) "License." A valid state of California Department of Alcoholic Beverage Control license.

(k) "Off-Sale Alcohol Outlet." An establishment that conducts retail sales of alcoholic beverages for consumption off the premises where sold.

(l) "On-Sale Alcohol Outlet." An establishment that conducts retail sales of alcoholic beverages for consumption on the premises where sold, excluding full-service restaurants.

(Ord. 2002-33 § 2).

82-38.206 Inspection and right of entry.

(a) County staff designated by the county administrator to enforce this ordinance may enter an alcoholic beverage sales commercial activity during normal business hours whenever they have cause to suspect a violation of any provision of this chapter or to investigate alleged violations of the deemed approved performance standards or conditions of approval prescribed in this chapter.

(b) An owner or occupant, or agent of an owner or occupant, who refuses to permit entry and investigation into premises open to the public is subject to civil or criminal prosecution.

(Ord. 2002-33 § 2).

82.38.208 Administrative hearing officer.

The administrative hearing officer will conduct public hearings and make determinations in accordance with Section 82-38.406, Section 82-38.814, and Section 82-38.816 to obtain compliance with this chapter. This section is not intended to restrict the powers and duties of other county officers or bodies that monitor alcoholic beverage sales commercial activities in the unincorporated area of the county to ensure compliance with applicable laws, statutes, and regulations.

(Ord. 2002-33 § 2).

82-38.402 Existing alcoholic beverage sales commercial activities.

On premises for which a license has been issued and where these premises are being used to exercise the rights and privileges conferred by the license at a time immediately before the effective date of this chapter, the premises may continue to be used to exercise the same rights and privileges without requiring a land use permit. This use is a nonconforming use, subject to the nonconforming use provisions of Chapter 82-8 of the county ordinance code (except as otherwise provided in this chapter or in the

Alcoholic Beverage Control Act, Division 9 of the Business and Professions Code), and is entitled to deemed approved status, subject to Article 82-38.8.

(Ord. 2002-33 § 2).

82-38.404 Transfer or revocation of alcoholic beverages control licenses.

(a) If a license is to be transferred to a new owner, the community development director is authorized under Business and Professions Code Section 23800(e), on behalf of the county, to request that the state of California Department of Alcoholic Beverage Control within thirty days after the filing of a transfer application (or a longer period if allowed by law) impose conditions to mitigate problems at or in the immediate vicinity of the premises on any licenses being transferred to new owners.

(b) If a license is to be transferred to a new premises, the alcoholic beverage sales commercial activity must apply for a land use permit in accordance with the requirements of Chapter 26-2, Chapter 82-6, and this chapter.

(c) If a license is revoked by the state of California Department of Alcoholic Beverage Control, after the revocation becomes a final order the alcoholic beverage sales commercial activity must cease operation and may not resume unless it applies for and obtains a land use permit in accordance with this chapter.

(Ord. 2002-33 § 2).

82-38.406 Change in mode or character of operation.

(a) The administrative hearing officer may hold a public hearing to determined whether a land use permit is required for an existing alcoholic beverages sales commercial activity if any of the following occur:

(1) An alcoholic beverage sales commercial activity discontinues operation for more than one hundred twenty days;

(2) An alcoholic beverage sales commercial activity surrenders, abandons, closes, or quits its licensed premises;

(3) An alcoholic beverage sales commercial activity's license is surrendered or suspended;

(4) An existing alcoholic beverage sales commercial activity changes its activity so that the state of California Department of Alcoholic Beverage Control requires a different type of license;

(5) An existing alcoholic beverage sales commercial activity expands the floor area devoted to the display or sales of alcoholic beverages, or both, by more than twenty percent;

(6) Any other circumstances that results in a substantial change in the mode or character of operation of the alcoholic beverage sales commercial activity, except for those circumstances listed in subdivision (b) of Section 23790 of the California Business and Professions Code.

(b) The purpose of a public hearing under this article is to receive testimony and determine whether the premises have operated continuously without substantial change in the mode or character of operation. Notice of the public hearing will be in accordance with Section 82-38.1004.

(c) At the conclusion of a public hearing under this article, the administrative hearing officer may determine that a substantial change in the mode or character of operation of the premises either has occurred or has not occurred.

(d) If the administrative hearing officer determines that a substantial change in the mode or character of operation of the premises has occurred, the alcoholic beverage sales commercial activity must cease operation and may not resume unless it applies for and obtains a land use permit in accordance with this chapter.

(e) The determination of the administrative hearing officer becomes final thirty calendar days after the date of decision unless appealed to the board of supervisors in accordance with Section 82-38.1002.

(Ord. 2002-33 § 2).

Article 82-38.6. Land Use Permits for New Alcoholic Beverage Sales Commercial Activities

82-38.602 Requirement.

Notwithstanding any other provisions of this code, no new alcoholic beverage sales commercial activity may be established unless a land use permit is first obtained in accordance with the requirements of Chapter 26-2, Chapter 82-6, and this chapter.

(Ord. 2002-33 § 2).

82-38.604 Restrictions.

(a) A new alcoholic beverage sales commercial activity is not permitted in any of the following locations:

(1) Within seven hundred feet of an existing alcoholic beverage sales commercial activity;

(2) Within four hundred feet of any of the following: a public or private accredited school; a public park, playground or recreational area; a place of worship; a hospital; an alcohol or other drug abuse recovery to treatment facility; or a county social service office;

(3) Within a crime reporting district, or within six hundred feet of a crime reporting district, where the general crime rate exceeds the countywide general crime rate by more than twenty percent.

(b) The distance restrictions of subsection (a) do not apply to any new alcoholic beverage sales commercial activity that has twenty-five or more full time equivalent (FTE) employees and a total floor area of twenty thousand square feet or more, and sells from the premises food and other groceries for home consumption.

(c) The distances specified in subsection (a) will not be measured from any establishment that is not generally open to the public, including private clubs and lodges.

(Ord. 2002-33 § 2).

82-38.606 Findings.

No land use permit to allow a new alcoholic beverage sales commercial activity will be issued unless all of the following findings are made in addition to the findings required by Section 26-2.2008 and Section 82-6.002:

(a) A finding of "public convenience and necessity" (Business and Professions Code Section 23958.4(b)(2)), if the activity will be located in an area that has been determined by the state of California Department of Alcoholic Beverage Control to have an undue concentration of licenses as defined in Business and Professions Code Section 23958.4(a).

(b) A finding that the alcoholic beverage sales commercial activity will not aggravate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.

(Ord. 2002-33 § 2).

82-38.608 Granting.

Land use permits to modify the location provisions contained in this article may be granted under this chapter and in accordance with Chapters 26-2 and 82-6.

(Ord. 2002-33 § 2).

82-38.610 Conditions of approval.

Reasonable conditions of approval may be imposed, including, but not limited to, those listed in Section 82-38.814, as part of approval of any land use permit issued under this article.

(Ord. 2002-33 § 2).

Article 82-38.8. Standards and Procedures for Existing Alcoholic Beverage Sales Commercial Activities

82-38.802 Purpose.

The general purposes of this article are:

(a) To protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that alcoholic beverage sales commercial activities that are legal nonconforming activities under this chapter and considered to be deemed approved activities comply with the deemed approved performance standards at Section 82-38.808; and,

(b) To achieve the following objectives:

(1) Protect residential, commercial, industrial, and civic areas and minimize the adverse impacts of nonconforming and incompatible uses;

(2) Provide opportunities for alcoholic beverage sale commercial activities to operate in a mutually beneficial relationship to each other and to other commercial and civic services;

(3) Provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior and escalated noise levels;

(4) Prevent alcoholic beverage sales commercial activities from becoming a source of public nuisances in the community; and

(5) Provide for properly maintained alcoholic beverage sale establishments to minimize impacts to the surrounding environment.

(Ord. 2002-33 § 2).

82-38.804 Applicability.

This article applies, to the extent permissible under other laws, to alcoholic beverage sales commercial activities existing and operating on the effective date of this chapter within the unincorporated area of the county. The nonconforming use provisions of the county's zoning regulations, including, but not limited to, Chapter 82-8, apply to this article, except as otherwise provided in this chapter.

(Ord. 2002-33 § 2).

82-38.806 Deemed approved activity.

All alcoholic beverage sales commercial activities existing and operating with all required licenses on the effective date of this chapter will automatically become deemed approved activities as of the effective date of this chapter. Each deemed approved activity retains its deemed approved status if it complies with the deemed approved performance standards set forth in Section 82-38.808 and if the licensed premises are in continuous operation without any substantial change in the mode or character of operation of the premises.

(Ord. 2002-33 § 2).

82-38.808 Deemed approved performance standards.

An existing alcoholic beverage sale commercial activity retains its deemed approved status only if it conforms with all of the following standards:

(a) Its operation does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;

(b) Its operation does not result in repeated nuisance activities on or near the premises, including, but not limited to, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

(c) Its operation does not result in violations of other county, state, or federal regulations, ordinances, or statutes;

(d) Its operation does not result in the transfer, expiration or revocation of a state of California Department of Alcoholic Beverage Control license;

(e) Its upkeep and operating characteristics are compatible with and will not adversely affect the liveability or orderly development nor encourage the marginal development of abutting properties and the surrounding neighborhood; and

(f) Its operation does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area.

(Ord. 2002-33 § 2).

82-38.810 Posting.

The owner of each deemed approved activity must post the performance standards for public review in a conspicuous and unobstructed place visible from the entrance of the establishment and in a place clearly visible to

the buyer from the cash register. The posted performance standards must be displayed on a sign or notice 11 inches by 17 inches in size with lettering that is 20-point type or larger type.

(Ord. No. 2015-10 § III, 6-16-15; Ord. 2002-33 § 2).

82-38.812 Notification to owners of deemed approved activities.

The community development department must notify the owner of each deemed approved activity, and also the property owner if not the same, of the activity's deemed approved status. This notice must:

(a) Be sent via first class return receipt mail;

(b) Include a copy of the performance standards;

(c) State that the performance standards must be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review;

(d) State that the activity must comply with all performance standards;

(e) State that a review fee is required in accordance with Section 82-38.1006 and must state the amount of the fee; and

(f) State that the activity must comply with this ordinance.

(Ord. 2002-33 § 2).

82-38.814 Violations of performance standards, conditions of approval for continued deemed approved status following violation.

(a) If the county receives a complaint from the public, sheriff, or any other interested party that a deemed approved activity is not complying with the performance standards set forth in Section 82-38.808, the administrative hearing officer may review the deemed approved status of the deemed approved activity in question at a public hearing. Notification of the public hearing will be made in accordance with Section 82-38.1004 and must include notification that the officer will consider the deemed approved status of the deemed approved activity.

(b) The purpose of the public hearing is to receive testimony on whether the operating methods of the deemed approved activity are causing negative impacts in the surrounding area. At the public hearing, the administrative hearing officer will determine whether the deemed approved activity conforms to the deemed approved performance standards set forth in Section 82-38.808. At the conclusion of the hearing, the administrative hearing officer may continue the deemed approved status for the activity in question or may require changes or impose reasonable conditions of approval to retain deemed approved status. The officer's decision will be based on information in staff documents and testimony from the business owner and all other interested parties. The deemed approved activity must comply with these conditions. The determination of the administrative hearing officer becomes final thirty calendar days after the date of decision unless appealed to the board of supervisors under Section 82-38.1002.

(c) The administrative hearing officer may impose conditions of approval relating to one or more of the following:

(1) Entertainment uses, activities, or amusement devices on the premises;

(2) Separation, monitoring, or design of area devoted to alcohol sales;

(3) Security measures;

(4) Lighting, litter, trash receptacles, graffiti or nuisance abatement, or other similar requirements; or

(5) Maintenance.

(d) Specific conditions of approval that may be imposed include but are not limited to the following:

(1) Soundwalls. If the alcoholic beverage sales commercial activity abuts residential uses and is allowed in the involved zoning district, a soundwall not to exceed seven feet in height may be required between the activity and the abutting residential uses. The soundwall must not obstruct the view of the building and parking areas from the street. Vegetation may be required to be planted along the soundwall and be of a type that will cover the soundwall surface within two years.

(2) Graffiti Removal. The removal of all graffiti from the walls, fences, pavement or buildings within seventy-two hours of its appearance on the property may be required.

(3) Exterior Lighting. Exterior lighting containing high pressure sodium or equivalent type, with an illumination intensity of between one and four foot-candles, may be required. The lighting may be required to be lit during all hours of darkness. Any required lighting must be directed and shielded so as not to glare onto adjoining residential properties and must have a housing to protect against breakage. Any required lighting must illuminated the adjacent public sidewalks and all parking lots under the business establishment's control in a manner that allows law enforcement personnel to identify persons standing in those areas. Any broken or burned out lights may be required to be replaced within seventy-two hours.

(4) Trash Receptacles. Permanent, non-flammable trash receptacles, sixty gallons or less in size, may be required to be located at convenient locations, appropriately screened from view, outside the establishment and in the establishment's parking area (if any). The operators of the business may be required to remove on a daily basis, or more frequently if needed to maintain a litter-free environment, all trash from these receptacles and from the sidewalk adjacent to the establishment. The operators of the business also may be required to remove, at least three times per week, all trash originating from its establishment deposited on public property within four hundred feet of any boundary of its premises. Security may also be required in a manner similar to that required under Section 88-16.010 (take-out food establishment). All trash receptacles of any size may be required to be appropriately screened from view.

(5) Pay Telephones. Pay telephones on the site of the establishment may either be: (a) prohibited; or (b) required to be of the type that only allow outgoing calls and be located in a visible and well-lighted location.

(6) Interior View. In establishments with glass storefronts, an unobstructed interior view from the street of the cash register area may be required and no more than thirty-three percent of the square footage of the windows and transparent doors of the premises may be allowed to bear advertising or signs of any sort. All advertising, signage and products may be required to be placed and maintained to ensure that law enforcement personnel have a clear and unobstructed view of the establishment's interior.

(7) Program. A "complaint response-community relations" program established and maintained by the deemed approved activity may be required. The program may include the following:

(A) Posting at the entry of the establishment and providing to any requesting individual the telephone number for the area commander of the local law enforcement substation;

(B) Coordinating with the local law enforcement agency to monitor community complaints about the establishment's activities;

(C) Having a representative of the establishment meet with neighbors or neighborhood association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.

(8) Activities. If appropriate, the following activities may be prohibited on the premises: pool or billiard tables, football or pinball games, arcade style video or electronic games, or coin operated amusements devices.

(9) Prohibited Products. To discourage nuisance activities, an off-sale alcohol outlet may be prohibited from selling one or more of the following products:

(A) Wine or distilled spirits in containers of less than seven hundred fifty milliliters;

(B) Malt beverage products, including flavored malt beverage products, with alcohol content greater than five and one-half percent by volume. A "flavored malt beverage" product is a malt beverage product to which is added an alcoholic or other flavoring ingredient and is labeled or packaged in a manner that is similar to labeling or packaging used for non-alcoholic beverages such as sodas, teas, lemonades, fruit punches, energy drinks and slushes. Youth-oriented flavored malt beverage products are sold in bright, colorful packaging and are commonly known as "alcopops."

(C) Wine with an alcoholic content greater than fourteen percent by volume unless in corked bottles and aged at least two years;

(D) Single containers of beer or malt liquor;

(E) Containers of beer or malt liquor not in their original factory packages of six-packs or greater;

(F) Containers of beer or malt liquor larger than thirty-nine ounces;

(G) Distilled spirits in bottles or containers smaller than three hundred seventy-five milliliters;

(H) Cooler products, either wine- or malt-beverage-based, in less than four-pack quantities.

(I) Alcohol-infused ice cream or ice pops with alcohol content greater than 0.5 percent by volume.

(10) Chilled Alcoholic Beverages. An off-sale alcohol outlet may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.

(11) Hours of Operation. In an off-sale alcohol outlet, the sale of alcoholic beverages may be restricted to certain hours of each day of the week unless limited further by the state of California Department of Alcoholic Beverage Control.

(12) Cups. In off-sale alcohol outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

(13) Signs. The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

(A) "California State Law prohibits the sale of alcoholic beverages to persons under twenty-one years of age";

(B) "No Loitering or Public Drinking"; and

(C) "It is illegal to possess an open container of alcohol in the vicinity of this establishment".

(14) Presentation of Documents. A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license may be required to be kept on the premises and presented to any law enforcement officer or authorized county official upon request.

(15) Mitigating Alcohol-Related Problems. The establishment may be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including, but not limited to, sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, loud noise, and litter.

(16) Signage. The total surface of signage pertaining to or referencing alcoholic sales or beverages that is visible from the public right-of-way may be required to not exceed six hundred thirty square inches.

(17) Employee Training. All sales clerks in on-sale alcohol outlets and off-sale alcohol outlets may be required, within ninety days of the beginning of employment, to complete an approved course in "responsible beverage service training". The establishment may be required to provide evidence of the employee's completion of this training to county authorities within ten days following completion of training.

(18) Drug Paraphernalia. An off-sale alcohol outlet may be prohibited from selling drug paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with California Health and Safety Code Section 11000).

(19) Loitering. The establishment's operators or employees may be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

(20) Security Cameras. At least two twenty-four hour time-lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the sheriff's department. All criminal and suspicious activities recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment's operators may be required to provide any tapes or other recording media from the security cameras to the sheriff.

(21) Prohibited Vegetation. No exterior vegetation may be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.

(Ord. No. 2015-10, § II, 6-16-15; Ord. No. 2018-15, § II, 6-26-18; Ord. 2002-33 § 2).

82-38.816 Procedure for consideration of violations to conditions of approval.

If the county receives a complaint from the public, sheriff, or any other interested party that a condition of approval is being violated, the administrative hearing officer may hold a public hearing to receive testimony and determined whether violations of any conditions of approval have occurred. Notification of the public hearing will be in accordance with Section 82-38.1004. The administrative hearing officer may amend the existing conditions of approval based upon the evidence presented or revoke the deemed approved activity's deemed approved status. The determination of the administrative hearing officer becomes final thirty calendar days after the date of decision unless appealed to the board of supervisors in accordance with Section 82-38.1002.

(Ord. 2002-33 § 2).

82-38.1002 Appeal to board of supervisors.

(a) Within thirty calendar days after a decision by the administrative hearing officer, the business owner or property owner if not the same, the sheriff, community members, or any other interested party may appeal to the board of supervisors as set forth in Chapter 14-4. Upon receipt of the appeal and the required appeal fee, the clerk of the board will set the date for consideration of the appeal as set forth in Section 14-4.006.

(b) In considering an appeal of a determination that a substantial change in the mode or character of operation of the premises has occurred, the board of supervisors may uphold or reverse the determination of the administrative hearing officer.

(c) In considering an appeal after conditions of approval on a deemed approved activity are imposed or modified or after deemed approved status is revoked, the board of supervisors must determine whether the established use conforms to the applicable deemed approved performance standards or conditions of approval. The board of supervisors may continue or revoke a deemed approved status, or the board of supervisors may modify the conditions of approval or impose additional reasonable conditions of approval as the board judges are necessary to ensure conformity with deemed approved performance standards.

(d) A decision of the board of supervisors is final as set forth in Section 14-4.008.

(Ord. 2002-33 § 2).

82-38.1004 Notification of public hearing.

The administrative hearing officer or the administrative hearing officer's ~~his or her~~ designee must notify the owner of the alcoholic beverage sales commercial activity, and the property owner if not the same, of the date, time and place of the public hearing. Notice must be sent via certified return receipt mail. The public hearing must be noticed by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the unincorporated area of the county within three hundred feet of the subject property in accordance with Section 26-2.2004. All notices must be given not less than ten days before the hearing date. Notification fees will be in accordance with Section 82-38.1006 and paid for by the owner of the deemed approved activity.

(Ord. 2002-33 § 2).

82-38.1006 Fee schedule.

Fees and fee regulations, including fees for the review, notification, appeal, and reinspection of deemed approved activities, will be in accordance with a fee schedule established by the board of supervisors.

(Ord. 2002-33 § 2).

82-38.1008 Violations and penalties.

(a) Violations of the terms or any of the conditions of approval of a land use permit issued under this article may result in revocation of the permit in accordance with Article 26-2.20, as well as any other enforcement remedy allowed by law.

(b) If the deemed approved status of a deemed approved activity is revoked, the property owner or business owner is subject to:

(1) Criminal enforcement action in accordance with Chapter 14-8, including arrest by citation;

(2) Civil enforcement in accordance with Chapter 14-6; and

(3) In the case of a property owner, nuisance abatement in accordance with Chapter 14-6.

(c) Liability for Expenses. In addition to the punishment provided by law, a violator is liable for costs, expenses, and disbursements paid or incurred by the county or any of its contractors in the correction and abatement of the violation. Re-inspection fees to ascertain compliance with previously noticed or cited violations may be charged against the owner of the deemed approved activity in an amount set by the board of supervisors. The county administrator or the county administrator's ~~his or her~~ designee must mail the property owner or business owner of the affected premises a written notice setting forth the itemized cost of chargeable services and requesting payment of those costs. If the bill is not paid in the time stated in the notice, the charges will be referred to the county office of revenue collection, or if the charges are against the property owner, the charges will be placed as a lien against the property in accordance with Chapter 14-6.

(Ord. 2002-33 § 2).

Chapter 82-40 HOME OCCUPATIONS[6]

Sections:

82-40.002 Purpose.

The purpose of this chapter is to establish specific standards and procedures to allow home occupations to be conducted in residential neighborhoods without changing the residential character of those neighborhoods. This chapter is intended to provide a mechanism to distinguish between home occupations having a minimal impact and those having the potential for greater impacts on surrounding properties so that home occupations having a minimal impact may be allowed through a ministerial permit process.

(Ord. No. 2013-12, § II, 4-16-13)

82-40.004 Definition.

For purposes of this chapter, "home occupation" means a business activity that is conducted at a residential dwelling by a person residing in the dwelling and is a secondary and incidental use of the dwelling as a residence.

(Ord. No. 2013-12, § II, 4-16-13)

82-40.006 Location.

A home occupation that meets the requirements of this chapter may be located at any legally established residential dwelling unit in any zoning district.

(Ord. No. 2013-12, § II, 4-16-13)

[6]Editor's note(s)—Ord. No. 2013-12, § II, adopted April 16, 2013, amended Chapter 82-40 in its entirety to read as herein set out. Former Chapter 82-40, §§ 82-40.002—82-40.010, pertained to large scale retail businesses and derived from Ord. 2003-18, § 2.

82-40.008 Permit required.

No home occupation may be conducted at a residential dwelling unless a home occupation permit or a land use permit has been issued.

(Ord. No. 2013-12, § II, 4-16-13)

82-40.010 Standards applicable to all home occupations.

A home occupation must comply with the following standards:

(a) Use. The home occupation must be incidental and subordinate to the use of the property as a residence.

(b) Parking. No portion of a home occupation may occupy a required off-street parking space or cause an off-street parking space to be displaced, except that one required off-street parking space may be occupied by a business-related vehicle.

(c) Traffic and deliveries. The home occupation may not generate vehicular traffic that exceeds the traffic normally associated with a single-family residential use. Deliveries to the home occupation may not exceed the frequency of deliveries and types of vehicles normally associated with residential neighborhoods. Deliveries to the home occupation may occur only between the hours of eight a.m. and eight p.m.

(d) Appearance. The residential appearance of the property at which the home occupation is conducted must be maintained, with no exterior indication of a home occupation. Exterior signs advertising the home occupation, window displays, outdoor displays, and other exterior indications of the home occupation may not be used.

(e) Storage. No equipment, parts, materials, supplies, merchandise, refuse or debris may be stored outdoors. Equipment, parts materials, supplies or merchandise may be stored within a permanent, fully enclosed compartment of a passenger vehicle or truck. No refuse or debris may be stored in any vehicle. No hazardous chemicals may be stored at the site of a home occupation, other than those normally associated with a residential use.

(f) Nuisances. No noise, odor, dust, fumes, vibration, smoke, electrical interference, or other interference with the residential use of adjacent properties may be created by the home occupation. The home occupation may not result in water, electricity, garbage, sewer, or storm drain usage that exceeds normal residential usage.

(Ord. No. 2013-12, § II, 4-16-13)

82-40.012 Home occupation—Ministerial permit.

An application for a home occupation permit will be ministerially approved only if it complies with the following standards in addition to the standards specified in Section 82-40.010:

(a) Location. The home occupation must be conducted entirely within one of the following:

(1) A residential dwelling unit. No more than one room, or twenty percent of the floor area, whichever is greater, may be used for the home occupation.

(2) An accessory building to a residential dwelling unit, if the accessory building complies with the setback requirements that apply to the principal structure in the zoning district where the accessory building is located.

(b) Employees. Only the residents of the dwelling unit may be involved in the conduct of the home occupation, except as otherwise provided by state law.

(c) Clients or customers. No clients or customers are permitted at the site of the home occupation, except for students engaged in individual home instruction. If student visits occur, only one student may be present at one time, no more than six student visits may occur per day, and students may be present only between eight a.m. and six p.m.

(d) Vehicles. One business-related vehicle, with a rated capacity of up to one ton, is permitted at the site of a home occupation, except that the following types of vehicles are prohibited: limousines, dump trucks, tow trucks, construction vehicles (e.g., front-end loaders, backhoes), trailers (e.g., construction trailers, chipper trailers), construction equipment (e.g., cement mixers, chippers), vehicles with a rated capacity of one ton or more, and similar vehicles.

(Ord. No. 2013-12, § II, 4-16-13)

82-40.014 Home occupation—Land use permit.

(a) A land use permit is required for a home occupation if any of the following occur:

(1) Any portion of the home occupation activity is conducted outdoors.

(2) The home occupation is conducted within an accessory building that complies with accessory structure setback requirements.

(3) One or more employees of the home occupation are not residents of the dwelling unit.

(3) The number of student visits exceeds the amounts specified in subsection (c) of section 82-4.012.

(4) Two or more business-related vehicles are used or kept at the site of the home occupation.

(b) No land use permit to allow a home occupation will be issued unless the following findings are made in addition to the findings required by Section 26-2.2008:

(1) The home occupation complies with the standards specified in Section 82-40.010.

(2) The home occupation complies with the standards specified in Section 82-40.012 except as otherwise modified by the land use permit. No land use permit that modifies more than one standard specified in Section 82-40.012 will be issued.

(Ord. No. 2013-12, § II, 4-16-13)

82-40.016 Exemption.

Garage sales held at a private residence are exempt from the permit requirements of this chapter, provided that sales occur no more than four times within a twelve-month period at the residence, for a maximum of two days each.

(Ord. No. 2013-12, § II, 4-16-13)

82-40.018 Fees.

Application, review, and permit fees for home occupations will be in amounts established by the Board of Supervisors in the Department of Conservation and Development's fee schedule.

(Ord. No. 2013-12, § II, 4-16-13)

Chapter 82-44 TEMPORARY EVENTS

Sections:

Article 82-44.2. General Provisions

82-44.202 Title.

This chapter is known as the Temporary Events Ordinance of Contra Costa County.

(Ord. 2005-25 § 2).

82-44.204 Purpose.

The purpose of this chapter is to establish procedures for evaluating, permitting, and regulating short-term activities and events that are conducted on private property and generate or invite considerable public participation, invitees, or spectators. Because these land uses are temporary, they have negligible or no permanent effect on the environment, and their potential impact on adjoining properties is either minimal or can be offset by conditions. The procedures authorize the zoning administrator to approve permits for temporary events and to require permit conditions or deny permits when necessary to protect the public. The procedures are necessary to protect and promote the health, safety, and welfare of the public, temporary event participants, and nearby residents. The procedures are intended to minimize the impacts of temporary events on the normal free flow of vehicular and pedestrian traffic, to minimize the impacts of noise from temporary events, to protect the safety of property, and to minimize disturbance and inconvenience to neighbors, neighboring properties and neighborhoods.

(Ord. 2005-25 § 2).

82-44.206 Definitions.

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

(a) "Event" means an occasion on private property organized for a particular and limited purpose and time and is an organized outdoor assemblage that: exceeds seventy-five persons at a venue in a residential zoning district or at a venue in an agricultural zoning district or at a residence in any other zoning district; or exceeds one hundred fifty persons at any other venue or location. "At a residence" means located wholly or in part on a parcel that includes a residence. "Events" include athletic events, arts and crafts shows, garden parties, carnivals, circuses, fairs, festivals, musical concerts and other cultural or live entertainment events, and swap meets. An outdoor assemblage of seventy-five or fewer persons at a venue in a residential zoning district or at a venue in an agricultural district or at a residence in any other zoning district, or one hundred fifty or fewer persons at any other venue or location, is not an "event" for purposes of this chapter.

(b) "Commercial event" means an event intended to generate financial gain for the sponsors of the event, or to advertise products, goods, or services. An event that requires paid admission or charges for parking or that is

open or advertised to the general public or that is held at a venue rented for that purpose is presumed to be a commercial event. An event sponsored by or intended to benefit any organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code is not a commercial event.

(c) "Noise level" means the "A" weighed sound pressure level in decibels obtained by using a sound level meter at slow meter response with a reference pressure of twenty micropascals.

(d) "Outdoor assemblage" means any assemblage that is not wholly contained within the interior of a residence. An "outdoor assemblage" includes any assemblage in an accessory structure, including but not limited to a barn or tent.

(e) "Parade" means a march or procession of people on any county street or right-of-way that obstructs, delays, or interferes with the normal flow of vehicular traffic, or does not comply with traffic laws or controls.

(f) "Persons at a venue" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at an event venue.

(g) "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters, or an instrument and the associated recording and analyzing equipment that will provide equivalent data.

(h) "Temporary event" means an event that occurs for up to one day at a residence or in a residential zoning district, or up to three consecutive days at any other location.

(i) "Venue" means the site, lot, parcel, contiguous lots or parcels under common ownership, location, area, or facility where an event is held or is proposed to be held.

(Ord. No. 2024-07, § II, 3-5-24; Ord. No. 2010-11, § II, 7-13-10; Ord. 2005-25 § 2).

Article 82-44.4. Permits

82-44.402 Temporary event permit required.

The following uses are allowed in any zoning district only after the issuance of a temporary event permit:

(a) A temporary event, unless the temporary event is exempt from the requirement to obtain a temporary event permit or a land use permit is required for the event.

(b) Retail sales of Christmas trees between Thanksgiving and December 26;

(c) Retail sales of pumpkins between October 1 and October 31.

(Ord. No. 2010-11, § III, 7-13-10; Ord. 2005-25 § 2).

82-44.404 Exemptions.

The following activities are exempt from the permit requirements of this chapter:

(a) An event held on public property, in a public facility, or in a public park, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(b) An event held in a public right-of-way, including a funeral procession or parade, provided all other permits and licenses required by this code or state law are obtained, including encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(c) An activity conducted by a governmental agency acting within the scope of its authority.

(d) Weddings, birthday parties, graduation parties, or other family events held at a private residence, provided that no more than four of these events are held within a twelve-month period. This subsection (d) does not exempt a commercial event from the permit requirements of this chapter.

(e) An event held at a members-only nonresidential facility where the only participants are members and their guests.

(f) An event held at a school, provided the event is consistent with the underlying land use entitlement.

(g) An event held at a religious entity's facility, provided the event is consistent with the underlying land use entitlement.

(h) A film-making activity for which a filming permit has been obtained in accordance with Chapter 56-8 of this code.

(i) Car washes for fund raising purposes, provided that the car washes are held on private property other than a residence, are limited to a maximum of two days each month for each sponsoring organization, and are sponsored by an educational, charitable, religious, or nonprofit group.

(j) Garage sales held at a private residence, provided that sales occur no more than four times within a twelve-month period per residence, for a maximum of two consecutive days each.

(k) A real estate open house, where a property is for sale, lease or rent.

(Ord. No. 2024-07, § IV, 3-5-24; Ord. 2005-25 § 2).

82-44.406 Restrictions.

(a) No two events may be held at the same venue with fewer than seven days between events.

(b) No commercial event may be held in a residential zoning district.

(c) All events, whether or not a permit is required under this chapter, are subject to the following noise restrictions:

(1) No event may exceed the noise levels specified in Section 82-44.410.

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays.

(Ord. No. 2024-07, § III, 3-5-24; Ord. 2005-25 § 2).

82-44.408 Application and review.

(a) Any person, entity, business, or group wishing to hold, sponsor, conduct, operate or maintain a temporary event shall submit a completed temporary event permit application to the department of conservation and development. The application form shall be signed and verified by the applicant, if an individual; a general partner authorized to sign on behalf of a partnership; an officer or director authorized to sign on behalf of a corporation; or a participant authorized to sign on behalf of a joint venture or association. The applicant must be a qualified applicant pursuant to Section 26-2.1604.

(b) An application is not complete unless it includes all of the following information:

(1) The name, address, and telephone number of the applicant and an alternate contact person.

(2) If the event is proposed to be a commercial event, the name, address and telephone number of the organization, and the authorized head of the organization. If the event is sponsored by or intended to benefit a non-profit organization, certification that the organization is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the United States Internal Revenue Code. The purpose of this requirement is to ensure that commercial events are not held in residential zoning districts. The name of the non-profit organization is not required to be indicated on the permit application. For a period of ninety days following the event, the applicant must retain records indicating the name of the organization that the event is sponsored by or intended to benefit.

(3) The name, address and telephone number of the person who will be present and in charge of the event on the day of the event.

(4) The type of event (e.g., a concert or arts and crafts show).

(5) Date and estimated starting and ending time of the event, including the time required to prepare and clean up the venue.

(6) Location of the event, including its street address and assessor's parcel number.

(7) Estimated number of attendees or participants at the event.

(8) The type and estimated number of vehicles and structures that will be used at the event, if any.

(9) Description of any sound amplification equipment that is proposed for use at the event.

(10) Whether any food will be served or sold at the event and, if applicable, the time and manner in which caterers and catering trucks will be used.

(11) Whether any beverages, including alcoholic beverages, will be served or sold at the event, and whether any such sales will be wholesale or retail.

(12) Whether security will be employed at the event.

(13) Parking, traffic control, and crowd control measures proposed for the event.

(14) The number and type of events held at the venue in the preceding twenty-four months.

(15) A site plan showing the size and location of property lines, sidewalks, streets, and improvements on adjacent properties, clearly labeled and drawn to scale.

(16) The time and acts required to prepare the venue for the event and the time and acts required following the event to clean up and restore the regular use of the property or venue.

(17) The type and location of on-site restrooms.

(c) An application must be submitted at least forty-five days before the proposed event. The department of conservation and development will have five calendar days to determine whether an application is complete. If the application is incomplete, the applicant will be notified and will have five days from the date of notification to provide all of the information required for a complete application. The zoning administrator will have ten days after submission of a complete application to decide on the application. The zoning administrator shall approve a complete permit application and issue a permit unless one or more grounds for denial exists.

(d) No event permit application shall be denied on any grounds except for any of the following:

(1) Information contained in the application is found to be false in any material detail.

(2) The applicant fails to timely file the application form or fails to complete and submit the application form within five calendar days after having been notified of the additional information or documents required for a complete application.

(3) A violation of any term or condition of a temporary event permit previously issued within the preceding twenty-four months to the applicant or for the private property venue.

(4) Another temporary event permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion.

(5) The time, route, characteristics, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to great traffic congestion.

(6) The concentration of persons, animals, or vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to the venue and areas contiguous to the event.

(7) The location of the event will substantially interfere with a previously granted encroachment permit or with any previously scheduled construction or maintenance work scheduled to take place upon or along county streets.

(8) The proposed event is not allowed under the terms of a previously issued county land use permit.

(9) A temporary event permit previously issued within the preceding twenty-four months to the applicant or for the specific private property venue was revoked.

(10) Failure to pay an outstanding fine owed for an event previously held at the venue or owed by the applicant for any event held at any location.

(11) When the grounds for denial of an application for permit specified in subsections (4) through (7), above, can be mitigated by altering the date, time, duration, size, route, or location of the event, the zoning administrator shall conditionally approve the application upon the applicant's acceptance of conditions for permit issuance instead of denying the application. If the grounds for denial cannot be mitigated by imposing conditions, the permit will be denied.

(e) If the zoning administrator issues a permit, notice of the permit issuance and permit conditions will be mailed to all properties within three hundred feet of the event venue.

(f) The zoning administrator's decision on the issuance of a permit may be appealed to the conservation and development director. The applicant may appeal the denial of a permit and may appeal any conditions imposed on a permit. Any person affected by any time, place, or manner conditions imposed on a permit may appeal only the permit conditions. Any person other than the applicant who appeals any time, place, or manner conditions must specify which conditions are being appealed. An appeal must be in writing, must be filed within five days of the zoning administrator's decision on the permit, and must include an appeal fee. An appeal hearing will be scheduled before the conservation and development director. The director's decision will be made at least ten days before the date of the proposed event. The director's decision following an appeal hearing is final for purposes of exhaustion of administrative remedies.

(g) An application may be submitted less than forty-five days before the proposed event if the proposed event is a response to a current occurrence whose timing did not allow the applicant to file a timely application. An application submitted under this section must specify the date of the occurrence to which the proposed event is responding. If a complete application is filed less than forty-five days before the proposed event, the zoning administrator shall issue a decision as soon as reasonably practicable. Any appeal must be filed within three days of the zoning administrator's decision. The conservation and development director's decision on the appeal will be made at least five days before the date of the proposed event.

(h) Exemption.

(1) No temporary event permit is required for an event held at a venue in a residential zoning district if:

(A) Three or fewer events are held at the venue within a twelve-month period; and

(B) For properties forty thousand square feet or greater in size, two hundred or fewer total people will be present at the event; and

(C) For properties less than forty thousand square feet in size, one hundred twenty-five or fewer total people total will be present at the event.

(2) An event at a residence that is exempt under this subsection (h) from the requirement to obtain a temporary event permit must comply with the following standards and requirements:

(A) The sound levels at the event cannot exceed the levels specified in subsection (b)(1) of section 82-44.410.

(B) On-site restrooms must be provided at the event.

(C) Dedicated remote parking for the event sufficient to accommodate attendees must be available if the adjacent streets do not have a graded or paved eight-foot-wide should for parking, and if parking for all attendees is unable to occur on-site.

(D) At least ten days before the event, the property owner must inform the department of conservation and development in writing of the time, date, and location of the event.

(E) At least ten days before the event, the property owner must send a notice to all property occupants within two hundred feet of the event venue of the time, date, and location of the event.

(3) The exemption under this subsection (h) does not apply if:

(A) Four or more events are held at a venue in a residential district in a twelve-month period.

(B) One of the standards or requirements specified in subsection (h)(2) was violated at a previous event within the previous twelve months.

(C) More than two hundred people will be at an event in a residential district if the property is forty thousand square feet or more in size.

(D) More than one hundred twenty-five people will be at an event in a residential district if the property is less than forty thousand square feet in size.

(Ord. No. 2024-07, § V, 3-5-24; Ord. No. 2010-11, § IV, 7-13-10; Ord. 2005-25 § 2).

82-44.410 Conditions.

(a) The zoning administrator may condition the issuance of a temporary events permit by imposing any of the following requirements concerning the time, place, and manner of the event. The zoning administrator may consult with public works, fire, and law enforcement officials and may impose time, place, and manner conditions that are requested by those officials, provided the requested conditions are among the conditions specified below. No conditions other than those specified below may be placed on a permit. Conditions may not restrict expressive activity or the content of speech.

(1) Alteration of the date, time, route or location of the event proposed on the application.

(2) Conditions concerning accommodation of pedestrian or vehicular traffic.

(3) Conditions concerning parking, including, but not limited to, requirements for the use of shuttles from parking areas to the venue.

(4) Conditions concerning traffic control, including, but not limited to, requirements for the use of traffic cones or barricades.

(5) Requirements for provision of on-site restrooms.

(6) Requirements for use of security responsible for crowed control, fire watch, general security, and evacuation of occupants.

(7) Conditions concerning maximum occupancy, based on the size of the venue and for purposes of minimizing impacts on traffic and parking. In imposing conditions concerning maximum occupancy, the zoning administrator may consider the lot size of the event venue, proximity of surrounding residences, density of the underlying zoning district, and the location and size of any buildings between the venue and surrounding properties.

(8) Restrictions on the number and type of structures at the event, and inspection and approval of structures.

(9) Compliance with animal protection ordinances and laws.

(10) Requirements for use of garbage containers and cleanup.

(11) Conditions limiting the duration of time and hours of the event (including the time to prepare and clean up the venue) in order to minimize impacts on traffic and parking.

(12) Time, place, and manner restrictions on the use of amplified sound. The use of amplified sound is prohibited in a residential district unless allowed as a condition of a temporary event permit.

(b) When a temporary event permit is granted for any event in a residential zoning district or at a residence in any other zoning district, it is granted subject to the following conditions:

(1) The event shall not generate or emit any noise or sound that exceeds any of the levels specified in the table below measured at the exterior of any dwelling unit located on another residential property. The noise generated or emitted shall not exceed the levels specified in the table for the duration of time specified in the table. Exterior noise levels shall be measured with a sound level meter. The permit shall incorporate the applicable "allowable exterior noise levels" specified in the table into the permit conditions only for the duration of time allowed for the event by the permit. For example, if the permit provides that an event shall end by seven p.m., the "allowable exterior noise levels" allowed between nine a.m. and eight p.m. shall be incorporated into the conditions, but the event must end by seven p.m.

Allowable Exterior Noise Levels

Cumulative Duration of Noise	9 a.m. - 8 p.m.	8 p.m. - 10 p.m.
30 minutes per hour	60 dBA	55 dBA
15 minutes per hour	65 dBA	60 dBA
5 minutes per hour	70 dBA	65 dBA
1 minute per hour	75 dBA	70 dBA
Level not to be exceeded at any time	80 dBA	75 dBA

(2) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A temporary event permit shall not allow the use of amplified sound after these hours.

(Ord. No. 2024-07, § VI, 3-5-24; Ord. No. 2010-11, § V, 7-13-10; Ord. 2005-25 § 2).

82-44.412 Duration.

A temporary event permit is valid only for one event. A temporary event permit is valid only for the time or times specified in the permit. A temporary event permit lapses if not used within the time or times specified.

(Ord. 2005-25 § 2).

82-44.414 Other permits and licenses.

(a) The issuance of a temporary event permit does not relieve anyone from the obligation to obtain any other permit or license required by this code or state law, including, but not limited to, encroachment permits, environmental health permits, and state alcoholic beverage control permits.

(b) The issuance of any other permit or license does not relieve anyone from the obligation to obtain a temporary event permit pursuant to this chapter.

(Ord. 2005-25 § 2).

82-44.416 Land use permit required.

(a) A land use permit is required for an event if any of the following occur:

(1) Three events that required a temporary event permit, or three events at a venue in a residential zoning district that were exempt from obtaining a permit under subsection (h) of Section 82-44.408, were previously held at a venue within the preceding twelve months.

(2) Four or more events will be held at a venue in a twelve-month period.

(3) Three or more events will be held at a venue within a forty-five-day period.

(4) An event will last more than one day at a venue in a residential zoning district or at a residence in any other zoning district, or will last more than three consecutive days at any other location.

(5) More than three hundred people will be present at an event at a venue in a residential zoning district or an event at a residence in any other zoning district.

(6) A temporary event permit previously issued to the applicant or for the venue was revoked within the preceding twenty-four months.

(b) It is a violation of this section if the number of people present at an event exceeded a size threshold specified in subsection (a) above, and a land use permit was not obtained before the event. For purposes of this section, "the number of people present at an event" means the total of all attendees, invitees, caterers, event monitors, security, and all other persons who are at the event venue.

(c) If a land use permit or building permit is required for a structure associated with a temporary event, then no event may be held at the venue without a land use permit.

(d) An application for a land use permit will be decided in accordance with Article 26-2.20 of this code.

(e) No conditions that restrict expressive activity or the content of speech may be imposed on any land use permit issued for an event.

(f) The following conditions shall apply to the issuance of a land use permit for an event venue located in an agricultural zoning district.

(1) A land use permit that authorizes events at a venue located in an agricultural zoning district may only be issued if the authorized events are an accessory use on a property that is used for agriculture, as defined in Section 82-4.206, and the zoning administrator finds that the proposed events will promote the vitality of agriculture in the area. If a property is located in an agricultural zoning district but the property is not used for agriculture, or the zoning administrator does not find that the proposed events will promote the vitality of agriculture in the area, then no land use permit authorizing events at the property will be issued.

(2) Number of events. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the annual maximum number of events for the purposes of maintaining the agricultural nature of the property and reasonably limiting impacts on neighbors. In imposing conditions regulating the maximum number of events, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties, the compatibility of events with neighboring uses, and the degree to which events conflict with the property's primary use of agriculture. On a parcel of less than forty acres, the maximum number of events per calendar year that may be authorized by a land use permits six. On a parcel of forty or more acres, the maximum number of events per calendar year that may be authorized by a land use permits is twenty-six.

(3) Number of people. A land use permit that authorizes events at a venue located in an agricultural zoning district must limit the maximum number of people allowed at each event for the purposes of reasonably limiting impacts on traffic, parking, and neighbors. In imposing conditions regulating the maximum number of people, the zoning administrator may consider the lot size of the event venue, parking available to serve the event venue, proximity of surrounding residences, and the location and size of any buildings or other visual or noise buffers between the venue and surrounding properties.

(4) Amplified sound by any device is prohibited after 8:00 p.m. Sundays through Thursdays and after 10:00 p.m. Fridays, Saturdays, and holidays. A land use permit for an event venue located in an agricultural zoning district shall not allow the use of amplified sound after these hours.

(5) Exterior lighting must be directed downward and away from adjacent properties.

(Ord. No. 2024-07, § VII, 3-5-24; Ord. No. 2010-11, § VI, 7-13-10; Ord. 2005-25 § 2).

82-44.418 Enforcement.

(a) An event may be monitored by law enforcement and code enforcement officials to determine compliance with the terms and conditions of the permit.

(b) A temporary event permit may be revoked for any violation of any term or condition that occurs at an event or for any other reason specified in Section 26-2.2022. A revocation may be appealed to the board of supervisors within seven days of the revocation.

(c) This chapter may be enforced by any remedy allowed under the Contra Costa County Ordinance Code or any other remedy allowed by law. These remedies include, but are not limited to, administrative fines, infraction citations, and cease and desist (abatement) orders.

(d) The following officials and their designees are authorized to enforce this chapter:

(1) Director of Conservation and Development.

(2) Sheriff.

(e) Nothing in this chapter is intended to preclude the enforcement by any Sheriff's deputy of Penal Code section 415, the disturbing the peace statute.

(Ord. No. 2024-07, § VIII, 3-5-24; Ord. 2005-25 § 2).

82-44.420 Responsible party liability.

(a) A person violates this chapter if an event that violates this chapter is held on property that the person owns, rents, leases, or otherwise has possession of, regardless of whether the person is present when the violation occurs.

(b) A person violates this chapter if an event that the person organizes, supervises, sponsors, conducts, allows, or controls violates this chapter.

(Ord. No. 2024-07, § IX, 3-5-24)

Article 82-44.6. Fees and Costs

82-44.602 Application fee.

A nonrefundable application fee for a temporary event permit shall be paid when the application is submitted. An application for a temporary event permit is not complete until the application fee is paid.

(Ord. 2005-25 § 2).

82-44.604 General.

(a) Permit application fees, regulatory fees, inspection fees, and appeal fees will be in amounts established by the board of supervisors in the community development department's fee schedule.

(b) Fees required under this chapter are in addition to any other fee required under any other chapter of this code or any other county, state or federal law or regulation.

(Ord. 2005-25 § 2).

Chapter 82-46 EMERGENCY SHELTERS

82-46.002 Purpose.

The purpose of this chapter is to authorize the establishment of emergency shelters, subject to the development and operational standards of this chapter, as authorized by Government Code section 65583.

(Ord. No. 2014-11, § IV, 11-4-14)

82-46.004 Applications.

(a) An application for a proposed emergency shelter must contain the following information:

(1) The total number of beds to be provided, the square-footage of personal living space for each resident, the square footage of indoor and outdoor common areas, and the number of bathroom and bathing facilities.

(2) The security measures that will be implemented at the emergency shelter.

(3) A map that identifies the proposed location of the emergency shelter in relation to all other emergency shelters, parks, schools, child care facilities, single family residential zones, and transit corridors and bus routes.

(4) A to-scale floor plan and building elevations for each emergency shelter building. An emergency shelter may include multiple buildings.

(5) A description of how the emergency shelter will comply with the development requirements in Section 82-46.006, and operational standards in Section 82-46.008.

(6) A description of how meals will be provided to emergency shelter clients. If meals will be prepared onsite, the applicant must indicate that it has applied for, or possesses, an environmental health permit under Chapter 413-3.

(b) An application for a proposed emergency shelter will be approved by the zoning administrator under the administrative decision procedure specified in Article 26-2.21 if the proposed emergency shelter complies with all development and operational standards of this chapter.

(c) If an application for a proposed emergency shelter does not demonstrate that the shelter will comply with one or more of the development standards in Section 82-46.006(b) or the operational standards in Section 82-46.008(b), then the applicant may apply for a land use permit in the manner specified in Chapter 26-2.20, to modify one or more of those development or operational standards. None of the development standards in Section 82-46.006(a) or operational standards in Section 82-46.008(a) may be modified by a land use permit, or otherwise.

(Ord. No. 2014-11, § IV, 11-4-14)

82-46.006 Development standards.

(a) Mandatory Development Standards. An emergency shelter must meet the following development standards:

(1) Security. An emergency shelter must include the following security measures:

(A) If individual rooms are provided, the door to each room must be equipped with an interior deadbolt lock.

(B) Each common shower stall must include an interior lock on the shower door, and an emergency call button or pull-cord.

(C) Parking areas and the exterior of an each emergency shelter building must include night lighting. All lighting fixtures must be advertised as vandal resistant and graffiti resistant by the lighting fixture manufacturer.

(D) Each window in an emergency shelter must include a locking mechanism to prevent it from being opened from outside the shelter.

(E) An emergency shelter must maintain a current client registration list that includes each client's name, and the date or dates of each client's stay at the shelter.

(2) Design. An emergency shelter must provide and comply with the following:

(A) A shelter must provide at least one telephone for use by shelter clients that enables shelter clients to make local outgoing calls free of charge.

(B) A shelter must provide one locker or locked storage cabinet per shelter bed for storing clients' personal property. The shelter must provide to each client, without charge, a lock to the locker or storage cabinet.

(C) A shelter must provide bathrooms and bathing facilities in the quantity and at locations as required by the California Plumbing Code (Title 24, Part 5 of the California Code of Regulations).

(D) A shelter must comply with the design and accessibility requirements of the Americans with Disabilities Act (ADA), as specified in the U.S. Department of Justice, Civil Rights Division, Disability Rights Section's "Americans with Disability Act's Checklist for Emergency Shelters," dated July 26, 2007, as may be amended from time to time.

(3) Common Facilities. An emergency shelter must provide the following common facilities for the exclusive use of the clients and staff:

(A) A central kitchen and at least one dining room;

(B) A private intake area; and

(C) A counseling center.

(b) Development Standards Subject to Modification. The following development standards apply to an emergency shelter but may be modified with the issuance of a land use permit.

(1) An emergency shelter must be located within one-half mile of an existing public bus stop, Bay Area Rapid Transit (BART) station, Amtrak station, or ferry terminal. If an emergency shelter will not be located within one-half mile of an existing public bus stop, BART station, Amtrak station, or ferry terminal, the shelter applicant must provide written confirmation with its application that the emergency shelter will provide transportation for its clients between the shelter and the nearest existing public bus stop, BART station, Amtrak station, or ferry terminal.

(2) Floor Area. An emergency shelter must contain a minimum of one hundred twenty-five square feet of gross floor area per bed.

(3) Parking. Off-street parking at an emergency shelter must be provided at the ratio of one space for every ten beds, plus two additional spaces designated exclusively for shelter staff. Off-street parking must be located on the same lot as, or a lot immediately adjacent to, the emergency shelter. Off-street parking areas must meet the parking design and layout standards of Chapter 82-16.

(4) Maximum Number of Beds. No emergency shelter may provide more than 75 beds.

(Ord. No. 2014-11, § IV, 11-4-14)

82-46.008 Operational standards.

(a) Mandatory Standards. An emergency shelter must meet the following operational standards:

(1) Hours. An emergency shelter must establish and maintain specific hours for client intake and discharge. These hours must be clearly displayed at the front or main entrance of the shelter at all times.

(2) Intake. An emergency shelter must place clients in the shelter on a first-come, first-served basis.

(3) Meals. An emergency shelter must provide each client a minimum of two meals each day, at no cost to the client. If meals will be prepared onsite, then the emergency shelter must maintain a valid environmental health permit under Chapter 413-3.

(4) Services. Emergency shelter staff and services must be provided to assist clients to obtain permanent housing and income. Those services must be made available to all clients of the emergency shelter at no cost to the clients. An emergency shelter may not require the exchange of resident work for emergency shelter services.

(b) Operational Standards Subject to Modification. The following operational standards apply to an emergency shelter but may be modified with the issuance of a land use permit.

(1) Minimum Level of Staffing. A minimum of one on-site, full-time staff person per twenty-five beds at the shelter, or two on-site, full-time staff persons, whichever is greater, must be present at the shelter twenty-four-hours each day. Volunteer staff may not be counted towards meeting this requirement.

(2) Maximum Length of Stay. Temporary shelter at the emergency shelter must be provided to a client for no more than sixty consecutive days within any twelve-month period. If emergency shelter staff determine that no alternative housing is available to a client, then the total length of that client's stay in the emergency shelter may be extended to a maximum of one hundred eighty consecutive days within any twelve-month period.

(Ord. No. 2014-11, § IV, 11-4-14)

82-46.010 Zoning.

(a) An emergency shelter may be located within a general commercial (C) zoning district, as long as the district where the emergency shelter is located has a consistent general plan designation of commercial (CO). An emergency shelter must conform to the height and yard requirements of the zoning district in which it is located.

(b) If any provision of this Chapter 82-46 conflicts with any requirements of the zoning district in which the emergency shelter is to be located, then the requirements of this chapter shall govern.

(Ord. No. 2014-11, § IV, 11-4-14)

Chapter 82-48 SINGLE ROOM OCCUPANCY (SRO) FACILITIES

82-48.002 Purpose.

The purpose of this chapter is to authorize the establishment of single-room occupancy facilities, subject to the development and operational standards of this chapter.

(Ord. No. 2014-11, § V, 11-4-14)

82-48.004 Applications.

(a) An application for a proposed single-room occupancy facility must contain the following information:

(1) The total number of rooms, the square-footage of each room, and the square footage of indoor and outdoor common areas.

(2) A to-scale floor plan and building elevations for the facility.

(3) A description of all security measures that will be utilized at the facility.

(4) A description of how the single room occupancy facility will satisfy each of the development and operational standards in Section 82-48.006.

(5) If an applicant seeks authorization for a licensed child care center, as that term is defined in California Code of Regulations, Title 22, section 101152(c)(9), that is ancillary to the single room occupancy facility, the application must include a description of how the child care facility will satisfy each of the requirements in Section 82-48.006(c).

(b) An application for a proposed single room occupancy facility will be approved by the zoning administrator under the administrative decision procedure specified in Article 26-2.21 if the proposed facility complies with all development and operational standards of this chapter.

(c) If an application for a proposed single room occupancy facility does not demonstrate that the facility will comply with each of the development standards in Section 82-48.006(b), the applicant may apply for a land use permit in the manner specified in Chapter 26-2.20. None of the development standards in Section 82.48-006(a) may be modified by a land use permit or otherwise.

(Ord. No. 2014-11, § V, 11-4-14)

82-48.006 Development and operational standards.

(a) Mandatory Development Standards. A single room occupancy facility must meet the following development standards.

(1) Cooking and Dining Facilities. A facility must provide either one common full kitchen and at least one common dining, lounge or meeting room that may be used by tenants of the facility, or a full kitchen in each room within the facility. A full kitchen means a kitchen that includes a range and oven, refrigerator, and sink with a garbage disposal.

(2) Bathroom Facilities. A facility must provide either one or more common bathroom facilities in the quantity and at locations as required by the California Plumbing Code (Title 24, Part 5 of the California Code of Regulations), or a bathroom with a flushing toilet and sink in each room. The facility also must provide either common showers at the ratio of at least one shower for every seven rooms at the facility, or a shower or bathtub in each room.

(3) Building Standards. A single room occupancy facility must comply with all building codes and regulations that relate to hotels, including the relevant provisions of the county building code and the fire code.

(4) Accessibility to Persons with Disabilities. A single room occupancy facility shall comply with all design and accessibility requirements of the Americans with Disabilities Act. A single room occupancy facility must provide units that are accessible to persons in wheelchairs in the ratio of at least one unit for every twenty-five rooms. The minimum number of units accessible to persons in wheelchairs that must be provided is two.

(5) Manager's Office. A single room occupancy facility with fifteen or more units must provide a twenty-four-hour staffed front desk. If a land use permit does not require the facility to provide a twenty-four-hour staffed front desk, then the facility must provide at least one common telephone that tenants may use to make local outgoing phone calls at no cost to the tenants. A facility must post in a public location a list of emergency telephone numbers that includes a number at which a facility manager can be reached twenty-four hours per day, seven days per week. The list of emergency telephone numbers must be updated as needed.

(6) Security. A single room occupancy facility must incorporate the following security measures into its design:

(A) All interior hallways, the exterior surrounding the facility, and parking areas must include night lighting. All lighting fixtures shall be advertised as vandal and graffiti resistant by the lighting fixture manufacturer.

(B) All entrances to hallways of common areas where individual units can be accessed must be controlled with a keyed entry system. Keys or entry codes shall be provided only to the tenants.

(C) Each door to each individual unit must include a keyed lock or re-programmable card entrance system, a deadbolt lock, and a peephole.

(D) A single room occupancy facility with a staffed front desk must require tenants and guests to register with the front desk and present valid photo identification as a condition of registration.

(E) Each window in each individual unit must have a secure locking mechanism.

(F) A single room occupancy facility must maintain current tenant registration cards that include each tenant's name, unit number, rental rate, vehicle type, vehicle license number, and a copy of the tenant's government-issued identification.

(b) Development Standards. The following development standards apply to a single room occupancy facility but may be modified upon issuance of a land use permit.

(1) Common Areas. A single room occupancy facility must provide ten square feet of common space per unit in the facility, or one hundred fifty square feet of common space, whichever is greater. No more than fifty percent of the total required common space at any single room occupancy facility may be exterior areas designated as common space.

(2) Parking. Off-street parking at each single room occupancy facility must be provided at the ratio of one space for every four units, plus an additional space designated exclusively for the facility manager. Off-street parking must be located on the same lot as, or on a lot immediately adjacent to, the single room occupancy facility. Each off-street parking area must meet the parking design and layout standards of Chapter 82-16.

(c) Child Care. A state-licensed child care facility that is ancillary to a single room occupancy facility may be authorized under a permit for the single room occupancy facility, as long as the requirements of this subsection are met. These requirements may not be modified through the issuance of a land use permit, or otherwise. These requirements are in addition to all other applicable state and county laws and regulations that apply to the licensing and operation of child care centers. Approval of a single room occupancy facility with an ancillary child care center that meets the requirements of this section does not authorize the operation of that center in the absence of all other required state and county permits and approvals.

(1) Parking. A freestanding child care center or a child care center in a mixed use project must provide one parking space for every four children for which the center is licensed. This parking is in addition to any parking required for the single room occupancy facility.

(2) Design. If a child care center is located on a lot adjacent to a residentially-zoned property, then a six-foot high or higher solid wall of masonry, brick, stucco, or a similar material, must separate the child care center from the residentially-zoned property along the property line between the center and that property. Each outdoor play area at a child care center must be physically separated from all vehicular circulation areas, parking areas, equipment enclosures, storage areas, and refuse and recycling areas, located at or adjacent to the center.

(Ord. No. 2014-11, § V, 11-4-14)

82-48.008 Zoning.

(a) A single room occupancy facility may be located in either a P-1 zoning district or a retail-business (R-B) zoning district.

(b) If any provision of this Chapter 82-48 conflicts with any other requirements that apply within the P-1 zoning district or retail-business (R-B) zoning district, then the requirements of this chapter shall govern.

(Ord. No. 2014-11, § V, 11-4-14)

Chapter 82-50 URBAN FARM ANIMALS

Article 82-50.2 General

82-50.202 Purpose.

The primary purpose of this chapter is to establish regulations for the raising and keeping of farm animals in residential zoning districts. The provisions of this chapter do not apply in any agricultural zoning district.

(Ord. No. 2018-06, § II, 5-1-18)

82-50.204 Definitions.

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

(a) "Apiary" has the meaning set forth in Food and Agricultural Code section 29002.

(b) "Bird enclosure" means one or more coops, cotes, pens, cages, or other similar enclosures, used to house one or more birds, including pigeons, but not including poultry, fowl, roosters, peacocks, or guinea fowl.

(c) "Farm animals" means one or more fowl, rabbits, grain-fed rodents, bees, or livestock.

(d) "Fowl" means one or more domesticated chickens, ducks, geese, turkeys, or similar birds customarily kept for eggs or meat. "Fowl" does not include roosters, peacocks, or guinea fowl.

(e) "Nucleus hive" means a small beehive of a few thousand bees with a queen, created from a larger hive, and typically kept in a small box or container.

(f) "Urban farm animal raising and keeping" means the raising or keeping of farm animals in residential zoning districts for non-commercial purposes.

(Ord. No. 2018-06, § II, 5-1-18)

Article 82-50.4 Urban Farm Animal Raising and Keeping

82-50.402 Location requirements.

Urban farm animal raising and keeping is allowed on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), a planned unit (P-1) district for which single-family residential uses are approved, or a two-family residential (D-1) district.

(Ord. No. 2018-06, § II, 5-1-18)

82-50.404 Standards—Small animals.

(a) The minimum area of a lot on which fowl (except for hens), rabbits, or grain-fed rodents may be raised or kept is twenty thousand square feet.

(b) The maximum number of domesticated female chickens (hens) allowed on a single lot is one hen per one thousand square feet of lot area.

(c) No more than an aggregate total of twenty fowl (including hens), rabbits, and grain-fed rodents may be kept on a single lot.

(d) The maximum height of a chicken coop, rabbit hutch, or similar accessory structure for the housing of small animals is twelve feet.

(e) Chicken coops, rabbit hutches, and similar accessory structures for the housing of small animals must be set back from property lines by the following distances:

Average Lot Width	Minimum Distance From		
	Front Property Line	Side Property Line	Rear Property Line
Less than 80 feet	50 feet	10 feet	10 feet
80 feet or more, but less than 120 feet	50 feet	25 feet	25 feet
120 feet or more	60 feet	40 feet	40 feet

(f) Bird enclosures are governed by Article 82-50.6.

(Ord. No. 2018-06, § II, 5-1-18)

82-50.406 Standards—Apiaries.

(a) The minimum area of a lot on which an apiary may be kept is six thousand square feet.

(b) The maximum number of beehives allowed on a single lot, excluding nucleus hives, is determined by lot area, as follows:

Lot Area	Maximum Number of Beehives
6,000 square feet or more, but less than 20,000 square feet	4
20,000 square feet or more, but less than 40,000 square feet	6
40,000 square feet or more	8

(c) For each beehive kept on a lot in accordance with subsection (b), one nucleus hive may also be kept on the lot.

(d) An apiary must be registered and identified in accordance with Article 4 of Chapter 1 of Division 13 of the Food and Agricultural Code.

(e) A fresh water source for bees must be provided at all times on a lot on which an apiary is located.

(f) The maximum height of an accessory structure for the housing of beehives is twelve feet.

(g) Accessory structures for the housing of beehives must be set back from property lines by the following distances:

Average Lot Width	Minimum Distance From		
	Front Property Line	**Side Property Line**	**Rear Property Line**
Less than 80 feet	50 feet	15 feet	15 feet
80 feet or more, but less than 120 feet	50 feet	25 feet	25 feet
120 feet or more	60 feet	40 feet	40 feet

(h) If an accessory structure for the housing of beehives is located less than twenty-five feet from any property line, the structure must be enclosed by a six-foot tall solid barrier located ten feet or less from the structure in all directions.

(Ord. No. 2018-06, § II, 5-1-18)

82-50.408 Standards—Livestock.

(a) The minimum area of a lot on which livestock may be raised or kept is forty thousand square feet. The lot must be contiguous.

(b) The maximum number of livestock on a single lot is two head of livestock per forty thousand square feet of lot area.

(c) Barns, stables, and other buildings or structures used to shelter livestock must be set back at least one hundred feet from the front property line and all streets, and must be set back at least fifty feet from all side and rear property lines. Fenced pasture, paddocks, or other enclosed livestock areas must be located at least ten feet from all property lines.

(Ord. No. 2018-06, § II, 5-1-18)

Article 82-50.6 Bird Enclosures

82-50.602 Location requirements.

A bird enclosure is allowed on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), a planned unit (P-1) district for which single-family residential uses are approved, or a two-family residential (D-1) district.

(Ord. No. 2018-06, § II, 5-1-18)

82-50.604 Standards.

(a) The maximum size of a bird enclosure is one square foot per fifty square feet of lot area. A bird enclosure may not exceed one thousand six hundred square feet.

(b) The maximum height of a bird enclosure is twelve feet.

(c) A bird enclosure must be set back at least twenty-five feet from the front property line and all streets, and must be set back at least ten feet from all side and rear property lines.

(d) A bird enclosure must be maintained in a sanitary manner as determined by the county health department.

(Ord. No. 2018-06, § II, 5-1-18)

Article 82-50.8 Variance Permits

82-50.802 Variance permit—Granting.

Variance permits to modify the height or setback provisions in Article 82-50.4 and Article 82-50.6 may be granted in accordance with Chapter 26-2.

(Ord. No. 2018-06, § II, 5-1-18)

Chapter 82-52 FARMWORKER HOUSING[7]

Article 82-52.2. General

[7]Editor's note(s)—Ord. No. 2017-14, § II, adopted September 19, 2017, set out provisions for use herein as ch. 82-50. Inasmuch as a ch. 82-50 already existed at the time of codification, those provisions have been included as ch. 82-52, to read as set out herein.

82-52.202 Purpose.

The purpose of this chapter is to establish requirements and standards for housing accommodations for five or more farmworkers. This chapter is intended to be consistent with the Employee Housing Act (Health and Safety Code section 17000 et seq.), which regulates housing accommodations for five or more employees. Housing accommodations for four or fewer farmworkers are not regulated separately by the County Zoning Code, but must comply with all zoning requirements of the zoning district where the housing accommodations are located.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.204 Definitions.

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

(a) "Agricultural employee" has the meaning set forth in Labor Code section 1140.4.

(b) "Agricultural employer" has the meaning set forth in Labor Code section 1140.4.

(c) "Agricultural workplace" means a location where one or more farmworkers engage in agriculture.

(d) "Farmworker" means the same as "agricultural employee," as defined in Labor Code section 1140.4.

(e) "Farmworker housing" means a housing accommodation developed for, or provided to, farmworkers. Farmworker housing may be a farmworker dwelling, a farmworker housing complex, or a farmworker housing center.

(f) "Group housing" means farmworker housing for seven or more farmworkers in group living quarters, such as barracks or a bunkhouse.

(g) "Permanent housing" means farmworker housing that is not temporary or seasonal.

(h) "Rural area" has the meaning set forth in Health and Safety Code section 50101.

(i) "Seasonal housing" means farmworker housing that is operated annually on the same site and is occupied for not more than 180 days in any calendar year.

(j) "Temporary housing" means farmworker housing that is not operated on the same site annually, but is established for one agricultural operation on one site and then removed from that site.

(Ord. No. 2017-14, § II, 9-19-17)

Article 82-52.4. Standards

82-52.402 Farmworker dwelling.

A farmworker dwelling must comply with the following development standards:

(a) Housing Type. A farmworker dwelling may only be a residential dwelling or an accessory dwelling unit.

(b) Occupancy. A farmworker dwelling may only be occupied by five or six farmworkers, subject to the provisions of section 82-52.408.

(c) Floor Area. The maximum floor area allowed for a farmworker dwelling is 1,200 square feet. If the farmworker dwelling is an accessory dwelling unit, then it must comply with the size and floor area requirements set forth in Chapter 82-24.

(d) Location. A farmworker dwelling may be located in any zoning district where a single family dwelling is allowed.

(e) Parcel Size. The minimum parcel size for a farmworker dwelling is the same as the minimum parcel size for a residential use in the same zoning district where the property is located.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.404 Farmworker housing complex.

A farmworker housing complex must comply with the following development standards:

(a) Housing Type. A farmworker housing complex may include any type of housing other than single-family residential housing, including, but not limited to, mobile homes, manufactured housing, tents, recreational vehicles, travel trailers, maintenance-of-way cars, and group housing. A farmworker housing complex may not exceed twelve residential units if it is not group housing. A farmworker housing complex may not exceed thirty-six beds if it is group housing.

(b) Occupancy. A farmworker housing complex may be occupied by seven or more farmworkers, subject to the provisions of Section 82-52.408.

(c) Location. One farmworker housing complex may be located on a legal lot in an agricultural zoning district (A-2, A-3, A-4, A-20, A-40 and A-80).

(d) Floor Area. The maximum floor area allowed for a farmworker housing complex is three thousand five hundred square feet.

(e) Parcel Size. The minimum parcel size for a farmworker housing complex is the same as the minimum parcel size for an agricultural use in the agricultural zoning district where the property is located.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.406 Farmworker housing center.

A farmworker housing center must comply with the following development standards:

(a) Housing Type. A farmworker housing center may include any type of housing other than single-family residential housing, including, but not limited to, mobile homes, manufactured housing, tents, recreational vehicles, travel trailers, maintenance-of-way cars, and group housing. A farmworker housing center may exceed 12 residential units if it is not group housing. A farmworker housing center may exceed 36 beds if it is group housing.

(b) Occupancy. A farmworker housing center may be occupied by seven or more farmworkers, subject to the provisions of Section 82-52.408.

(c) Location. One farmworker housing center may be located on a legal lot in an agricultural zoning district (A-2, A-3, A-4, A-20, A-40 and A-80).

(d) Parcel Size. The minimum parcel size for a farmworker housing center is the same as the minimum parcel size for an agricultural use in the zoning district where the property is located.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.408 Occupancy.

(a) Farmworker housing must be occupied exclusively by farmworkers, except as provided in subsection (b) or (c).

(b) At least fifty-one percent of the structures in a farmworker housing accommodation must be occupied by farmworkers if the farmworker housing meets all of the following conditions: it is separated into units; it is not provided by an agricultural employer; it is not provided in connection with an agricultural workplace; it is located in a rural area; it is subject to the State Housing Law (Health and Safety Code section 17910 et seq.); and it is at least thirty years old.

(c) At least fifty-one percent of a farmworker housing accommodation must be occupied by farmworkers if the farmworker housing meets all of the following conditions: it is not separated into units; it is not provided by an agricultural employer; it is not provided in connection with an agricultural workplace; it is located in a rural area; it is subject to the State Housing Law (Health and Safety Code section 17910 et seq.); and it is at least thirty years old.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.410 Duration.

(a) Farmworker housing may be temporary housing, seasonal housing, or permanent housing if the housing is provided by an agricultural employer and is maintained at or in connection with an agricultural workplace.

(b) If farmworker housing for five or more farmworkers is not provided by an agricultural employer and is not provided in connection with an agricultural workplace, then the farmworker housing must be located in a rural area and the farmworker housing may be one of the following:

(1) Temporary housing;

(2) Seasonal housing; or

(3) Permanent housing, as long as the farmworker housing: (i) is a mobile home, manufactured home, travel trailer, or recreational vehicle; or (ii) is subject to the State Housing Law (Health and Safety Code section 17910 et seq.,), is at least thirty years old, and at least fifty-one percent of the housing is for farmworkers.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.412 Structure height.

Farmworker housing must comply with the height requirements that apply in the zoning district where the property is located.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.414 Setbacks.

(a) Farmworker housing must comply with the setback requirements that apply in the zoning district where the property is located.

(b) Farmworker housing must be located a minimum of seventy-five feet from any barn, pen, or other structure that houses livestock or poultry, and a minimum of fifty feet from any other agricultural use.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.416 Off-street parking.

A farmworker housing complex or a farmworker housing center must have at least one off-street parking space for each residential unit or one off-street parking space for every three beds, whichever is more.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.418 Access.

Farmworker housing must have safe access to and from a public road. Access must be provided with a durable, dustless surface, such as gravel or a similar permeable surface, or asphalt. A defined point of ingress and egress must be provided.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.420 Other zoning requirements.

Farmworker housing must comply with all zoning requirements of the zoning district where the farmworker housing is located, unless those requirements conflict with the requirements of this chapter. If there is any conflict between the requirements of this chapter and those of the underlying zoning district, the requirements of this chapter will govern.

(Ord. No. 2017-14, § II, 9-19-17)

Article 82-52.6. Permits and Fees

82-52.602 County farmworker housing permits.

A person must obtain one of the following three types of County farmworker housing permits before operating farmworker housing:

(a) Farmworker Dwelling Permit. A ministerial permit is required before a farmworker dwelling may be established under this chapter. An application for a farmworker dwelling permit will be decided without discretionary review or public hearing.

(b) Farmworker Housing Complex Permit. A ministerial permit is required before a farmworker housing complex may be established under this chapter. An application for a farmworker housing complex permit will be decided without discretionary review or public hearing.

(c) Farmworker Housing Center Permit. A land use permit is required for a farmworker housing center. An application for a land use permit for a farmworker housing center will be decided in accordance with Article 26-2.20.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.604 Application requirements.

The following information must be included in an application for a County farmworker housing permit:

(a) The housing type.

(b) The number of residential units or beds.

(c) A description of whether the housing will be temporary, seasonal, or permanent housing.

(d) The number of farmworkers occupying the housing.

(e) The agricultural employer for whom the farmworkers will work.

(f) The agricultural workplace where the farmworkers will work.

(g) The entity responsible for housing maintenance and upkeep.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.606 State permitting requirements.

Farmworker housing for five or more employees is subject to the permitting requirements of the Employee Housing Act. A person intending to operate farmworker housing must obtain and maintain a permit to operate or an exemption from the California Department of Housing and Community Development, pursuant to the Employee Housing Act and the State Housing Law Regulations (California Code of Regulations, Title 25, Section 600 et seq.), before the County issues a permit for farmworker housing for five or more employees.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.608 Annual verification.

A holder of a County farmworker housing permit must submit an annual verification by May 15 of each year to the Conservation and Development Director on a form provided by the Director. The permittee must verify that all of the information provided in its permit application is still accurate and provide proof that its permit to operate or its exemption from the California Department of Housing and Community Development is in good standing.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.610 Fees.

Application fees, review fees, and permit fees for farmworker housing will be in amounts established by the Board of Supervisors in the Department of Conservation and Development's fee schedule. These fees are subject to the limits specified in Health and Safety Code sections 17021.5 and 17021.6.

(Ord. No. 2017-14, § II, 9-19-17)

82-52.612 Other laws.

(a) The issuance of a permit for farmworker housing does not authorize any other use. If the use authorized by a farmworker housing permit is discontinued, then the property must comply with all applicable zoning requirements that exist at the time the farmworker housing use is discontinued.

(b) Farmworker housing may be subject to other ordinances, statutes and regulations, including, but not limited to, those administered by the building department, health department, public works department, and agricultural commissioner's office. The establishment of farmworker housing under this chapter does not relieve anyone from the obligation to obtain all other permits and licenses required by this code or state or federal law.

(c) Farmworker housing must comply with the Employee Housing Act and, when applicable, the Mobilehome Parks Act (Health and Safety Code section 18200 et seq.) and the Special Occupancy Parks Act (Health and Safety Code section 18860 et seq.).

(d) Permits for the permanent installation of facilities to accommodate mobile homes and recreational vehicles must be obtained from the enforcement agency that enforces the Mobilehome Parks Act (Health and Safety Code section 18200 et seq.).

(Ord. No. 2017-14, § II, 9-19-17)

Division 84 LAND USE DISTRICTS

Chapter 84-2 GENERAL PROVISIONS

84-2.002 Zoning map adopted.

(a) The location and boundaries of the land use districts established by this division are shown on a map entitled "Zoning Map of Contra Costa County." The zoning map, including symbols, boundaries, notations, legends, and all other information shown on the zoning map, is adopted by this reference and incorporated into this division. This adoption of the zoning map does not change the land use classification of any land.

(b) The zoning map, certified by the community development director, is on file with the clerk of the board of supervisors. A paper version and a digital version of the zoning map are available for public inspection at the community development department.

(c) When a zoning ordinance or amendment to a zoning ordinance changes any property from one zone to another, the community development director will record the change on the zoning map. All changes so recorded are made a part of the zoning map and incorporated into this division.

(d) If the boundaries of a land use district are not clearly identifiable on the zoning map, the following rules of interpretation apply:

(1) Where a boundary line appears to follow a street, highway, or right-of-way, the boundary is deemed to be the centerline of the street, highway or right-of-way.

(2) Where a boundary line appears to follow a lot line or property line, the boundary is deemed to be the lot line or property line.

(3) Where a boundary line appears to divide a lot or parcel, the location of the boundary is determined by the scale contained on the zoning map.

(4) Where there is an obvious mistake that can be corrected by reference to documents on file with the community development department, or where there is a minor discrepancy between the paper version and the digital version of the zoning map, the community development director may identify the boundary.

(5) If any further uncertainty exists, the planning commission will determine the location of boundaries.

(Ords. 2005-03, § 3, 78-93: prior code § 8140: Ord. 382).

84-2.004 Districts established.

The use of all land in the unincorporated territory of this county, within the districts shown on the zoning map described in this chapter, is subject to the provisions of this Division 84. Land is classified for the regulation of its use as set forth in this division. The land use districts set forth in this division are established for all this territory, and the land use districts designated on the zoning map adopted by Section 84-2.002 are established and classified in this division.

(Ords. 2005-03, § 3, 78-93: prior code § 8141: Ord. 382).

84-2.006 Accessory building variances.

Variance permits to modify the area coverage and height provisions contained in subsections (1) and (2) of Section 82-4.212 may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. 96-4 § 3).

Chapter 84-4 R-6 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-4.2. General

84-4.202 General provisions.

All land within an R-6 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1569: prior code § 8142 (part): Ords. 1269, 1179).

Article 84-4.4. Uses

84-4.402 Uses—Permitted.

The following uses are allowed in an R-6 district:

(1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.

(2) Crop and tree farming.

(3) Publicly owned parks and playgrounds.

(4) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where no more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff.

(5) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.

(6) Bird enclosures in compliance with the provisions of Chapter 82-50.

(7) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.

(8) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50.

(9) An urban housing development in compliance with the provisions of Chapter 88-36.

(10) Supportive housing, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.

(11) Transitional housing, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.

(Ord. of 2018-06, § IV, 5-1-18; Ord. No. 2017-14, § V, 9-19-17; Ords. 2003-17 § 4, 86-43 § 2, 78-83 § 1, 77-51 § 2, 68-25 § 2: prior code § 8142(a): Ords. 1269 § 1, 1179 § 3, 1039, 1028, 382 § 4A).

(Ord. No. 2022-37, § II, 12-6-22; Ord. No. 2022-14, § III, 3-29-22; Ord. No. 2020-01, § VI, 1-21-20)

84-4.404 Uses—Requiring land use permit.

The following uses may be allowed in an R-6 district on the issuance of a land use permit:

(1) Hospitals, eleemosynary and philanthropic institutions, and convalescent homes.

(2) Churches and religious institutions and parochial and private schools.

(3) Community buildings, clubs, and activities of a quasi-public, social, fraternal or recreational character, such as golf, tennis, and swimming clubs, and veterans' and fraternal organizations.

(4) Greenhouses, over three hundred square feet.

(5) More than one detached dwelling unit on a lot or parcel, if the density is not greater than the following:

R-6 district — Six thousand square feet per dwelling unit.

R-7 district — Seven thousand square feet per dwelling unit.

R-10 district — Ten thousand square feet per dwelling unit.

R-15 district — Fifteen thousand square feet per dwelling unit.

R-20 district — Twenty thousand square feet per dwelling unit.

R-40 district — Forty thousand square feet per dwelling unit.

R-65 district — Sixty-five thousand square feet per dwelling unit.

R-100 district — One hundred thousand square feet per dwelling unit.

D-1 district — No density restriction.

F-1 district — No density restriction.

(6) Commercial nurseries. A land use permit application shall include a site plan indicating planting and landscaping areas, existing and proposed structures, and plans and elevations to indicate architectural type.

(7) Medical and dental offices and medical clinics.

(8) Publicly owned buildings and structures except as provided in Division 82.

(9) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(10) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.

(11) The installation of exterior lighting at a height of seven feet or more above the finished grade of the parcel except exterior light placed upon the single-family residence.

(12) Supportive housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.

(13) Transitional housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.

(Ords. 2003-17 § 5, 87-67 § 4, 86-43, 83-70, 76-75 § 1, 76-36 § 2, 73-51 § 3, 67-38, 1762, 1569 § 1, 1549: prior code § 8142(b): Ords. 1405, 1179 § 3, 382 § 4A).

(Ord. No. 2022-37, § III, 12-6-22; Ord. No. 2017-14, § VI, 9-19-17; Ord. No. 2013-12, § IV, 4-16-13)

Article 84-4.6 Lots

84-4.602 Lot—Area.

No single-family dwelling or other structure permitted in the R-6 district shall be erected or placed on a lot smaller than six thousand square feet in area.

(Ord. 1569: prior code § 8142(c): Ords. 1269, 1179).

84-4.604 Lot—Width.

No single-family dwelling or other structure permitted in the R-6 district shall be erected or placed on a lot less than sixty feet in average width.

(Ord. 1569: prior code § 8142(d): Ords. 1269, 1179).

84-4.606 Lot—Depth.

No single-family dwelling or other structure permitted in the R-6 district shall be erected or placed on a lot less than ninety feet in depth.

(Ord. 1569: prior code § 8142(e): Ords. 1269, 1179).

Article 84-4.8. Building Height

84-4.802 Building height—Maximum.

No single-family dwelling or other structure permitted in the R-6 district shall exceed two and one-half stories or thirty-five feet in height.

(Ord. 1569: prior code § 8142(f): Ords. 1269, 1179).

Article 84-4.10. Yards

84-4.1002 Yard—Side.

There shall be an aggregate side yard width of at least fifteen feet. No side yard shall be less than five feet wide. These minima may be reduced to three feet for an accessory building or structure if it is set back at least fifty feet from the front property line.

(Ord. 1569: prior code § 8142(g): Ords. 1269, 1179).

84-4.1004 Yard—Setback.

There shall be a setback (front yard) of at least twenty feet for any structure in the R-6 district. On corner lots the principal frontage shall have a setback of at least twenty feet and the other setback shall be at least fifteen feet.

(Ord. 1569: prior code § 8142(h): Ords. 1269, 1179).

84-4.1006 Yard—Rear.

There shall be a rear yard for any principal structure of at least fifteen feet. There shall be a rear yard for accessory structures of at least three feet.

(Ord. 1569: prior code § 8142(i): Ords. 1269, 1179).

Article 84-4.12. Off-street Parking

84-4.1202 Off-street parking requirements.

(a) In R-6 districts every dwelling unit shall have at least two off-street automobile storage spaces on the same lot; except that there shall be at least one such space where the lot was legally created before September 9, 1971, or was part of a tentative or parcel map filed before September 9, 1971, and upon which a final subdivision or parcel map was subsequently approved and recorded.

(b) Such spaces shall have a covered or open surfaced area of at least nine by nineteen feet, and shall be entirely outside the setback or side yard areas of the principal structure.

(Ords. 77-107, 71-59 §§ 4 and 5: prior code § 8142(j): Ords. 1179 § 3, 1039, 1028, 928).

Article 84-4.14. Land Use and Variance Permits

84-4.1402 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-4.404, and variance permits to modify the provisions in Sections 84-4.402(5) and 84-4.602 through 84-4.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. 77-51 § 3: prior code § 8142(k): Ords. 1179 § 3, 1039, 1028, 382 § 4(A)).

Chapter 84-6 R-7 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-6.2. General

84-6.202 General provisions.

All land within an R-7 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1569: prior code § 8143 (part): Ord. 1269: Ord. 1179).

Article 84-6.4. Uses

84-6.402 Uses—Permitted.

Uses permitted in the R-7 district shall be: All the uses designated for the R-6 district in Section 84-4.402.

(Ord. 68-25 § 2, 1968: Ord. 1569: prior code § 8143(a): Ord. 1269: Ord. 1179).

84-6.404 Uses—Requiring land use permit.

In the R-7 district the following uses are permitted on the issuance of a land use permit: All the uses designated for the R-6 district in Section 84-4.404.

(Ord. 1569: prior code § 8143(b): Ord. 1269: Ord. 1179).

84-6.602 Lot—Area.

No single-family dwelling or other structure permitted in the R-7 district shall be erected or placed on a lot smaller than seven thousand square feet in area.

(Ord. 1569: prior code § 8143(c): Ord. 1269: Ord. 1179).

84-6.604 Lot—Width.

No single-family dwelling or other structure permitted in the R-7 district shall be erected or placed on a lot less than seventy feet in average width.

(Ord. 1569: prior code § 8143(d): Ord. 1269: Ord. 1179).

84-6.606 Lot—Depth.

Lot depth provisions for the R-7 district shall be the same as those for the R-6 district (Section 84-4.606).

(Ord. 1569: prior code § 8143(e): Ord. 1269: Ord. 1179).

Article 84-6.8. Building Height

84-6.802 Building height—Maximum.

Building height provisions for the R-7 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 1569: prior code § 8143(f): Ord. 1269: Ord. 1179).

Article 84-6.10. Yards

84-6.1002 Yard—Side.

Side yard provisions for the R-7 district shall be the same as those for the R-6 district (Section 84-4.1002).

(Ord. 1569: prior code § 8143(g): Ord. 1269: Ord. 1179).

84-6.1004 Yard—Setback.

Setback (front yard) provisions for the R-7 district shall be the same as those for the R-6 district (Section 84-4.1004).

(Ord. 1569: prior code § 8143(h): Ord. 1269: Ord. 1179).

84-6.1006 Yard—Rear.

Rear yard provisions for the R-7 district shall be the same as those for the R-6 district (Section 84-4.1006).

(Ord. 1569: prior code § 8143(i): Ord. 1269: Ord. 1179).

Article 84-6.12. Off-Street Parking

84-6.1202 Off-street parking—Space requirements.

Off-street parking provisions for the R-7 district shall be the same as those for the R-6 district (Section 84-4.1202).

(Ord. 71-59 §§ 4, 5, 1971: Ord. 1569: prior code § 8143(j): Ord. 1269: Ord. 1179).

Article 84-6.14. Land Use and Variance Permits

84-6.1402 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-6.404, and variance permits to modify the provisions in Sections 84-4.402(5) and 84-6.602 — 84-6.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. 77-51 § 4: prior code § 8143(k): Ords. 1179 § [382 § 4R]).

Chapter 84-8 R-10 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-8.2. General

84-8.202 Generally.

All land within an R-10 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1569: prior code § 8144 (part): Ord. 1269: Ord. 1179).

Article 84-8.4. Uses

84-8.402 Uses—Permitted.

Uses permitted in the R-10 district shall be: All the uses designated for the R-6 district in Section 84-4.402.

(Ord. 68-25 § 2, 1968: Ord. 1569: prior code § 8144(a): Ord. 1269: Ord. 1179).

84-8.404 Uses—Requiring land use permit.

In the R-10 district the following uses are permitted on the issuance of a land use permit: All the uses designated for the R-6 district in Section 84-4.404.

(Ord. 1569: prior code § 8144(b): Ord. 1269: Ord. 1179).

Article 84-8.6. Lots

84-8.602 Lot—Area.

No single-family dwelling or other structure permitted in the R-10 district shall be erected or placed on a lot smaller than ten thousand square feet in area.

(Ord. 1569: prior code § 8144(c): Ord. 1269: Ord. 1179).

84-8.604 Lot—Width.

No single-family dwelling or other structure permitted in the R-10 district shall be erected or placed on a lot less than eighty feet in average width.

(Ord. 1569: prior code § 8144(d): Ord. 1269: Ord. 1179).

84-8.606 Lot—Depth.

Lot depth provisions for the R-10 district shall be the same as those for the R-6 district (Section 84-4.606).

(Ord. 1569: prior code § 8144(e): Ord. 1269: Ord. 1179).

Article 84-8.8. Building Height

84-8.802 Building height—Maximum.

Building height provisions for the R-10 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 1569: prior code § 8144(f): Ord. 1269: Ord. 1179).

Article 84-8.10. Yards

84-8.1002 Yard—Side.

There shall be an aggregate side yard width of at least twenty feet. No side yard shall be less than ten feet wide. These minima may be reduced to three feet for an accessory building or structure if it is set back at least fifty feet from the front property line.

(Ord. 1569: prior code § 8144(g): Ord. 1269: Ord. 1179).

84-8.1004 Yard—Setback.

Setback (front yard) provisions for the R-10 district shall be the same as those for the R-6 district (Section 84-4.1004).

(Ord. 1569: prior code § 8144(h): Ord. 1269: Ord. 1179).

84-8.1006 Yard—Rear.

Rear yard provisions for the R-10 district shall be the same as those for the R-6 district (Section 84-4.1006).

(Ord. 1569: prior code § 8144(i): Ord. 1269: Ord. 1179).

Article 84-8.12. Off-Street Parking

84-8.1202 Off-street parking—Space requirements.

Off-street parking provisions for the R-10 district shall be the same as those for the R-6 district (Section 84-4.1202).

(Ord. 71-59 §§ 4, 5, 1971: Ord. 1569: prior code § 8144(j): Ord. 1269: Ord. 1179).

Article 84-8.14. Land Use and Variance Permits

84-8.1402 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-8.404, and variance permits to modify the provisions in Sections 84-4.402(5) and 84-8.602 — 84-8.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. 77-51 § 5: prior code § 8144(k): Ord. 1179 § 5 [382 § 46]).

Chapter 84-10 R-12 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-10.2. General

84-10.202 General provisions.

All land within an R-12 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1569: Ord. 1482: prior code § 8144.5 (part)).

Article 84-10.4. Uses

84-10.402 Uses—Permitted.

Uses permitted in the R-12 district shall be: All the uses designated for the R-6 district in Section 84-4.402.

(Ord. 68-25 § 2, 1968: Ord. 1569: Ord. 1482: prior code § 8144.5(a)).

84-10.404 Uses—Requiring land use permit.

In the R-12 district the following uses are permitted on the issuance of a land use permit: All the uses designated for the R-6 district in Section 84-4.404.

(Ord. 1569: Ord. 1482: prior code § 8144.5(b)).

Article 84-10.6. Lots

84-10.602 Lot — Area.

No single-family dwelling or other structure permitted in the R-12 district shall be erected or placed on a lot smaller than twelve thousand square feet in area.

(Ord. 1569: Ord. 1482: prior code § 8144.5(c)).

84-10.604 Lot—Width.

No single-family dwelling or other structure permitted in the R-12 district shall be erected or placed on a lot less than one hundred feet in average width.

(Ord. 1569: Ord. 1482: prior code § 8144.5(d)).

84-10.606 Lot—Depth.

No single-family dwelling or other structure permitted in the R-12 district shall be erected on a lot less than one hundred feet deep.

(Ord. 1569: Ord. 1482: prior code § 8144.5(e)).

Article 84-10.8. Building Height

84-10.802 Building height—Maximum.

Building height provisions for the R-12 district shall be the same as those for the R-6 district in Section 84-4.802.

(Ord. 1569: Ord. 1482: prior code § 8144.5(f)).

Article 84-10.10. Yards

84-10.1002 Yard—Side.

There shall be an aggregate side yard width of at least twenty-five feet. No side yard shall be less than ten feet wide. These minima may be reduced to three feet for an accessory building or structure if it is set back at least sixty-five feet from the front property line.

(Ord. 1569: Ord. 1482: prior code § 8144.5(g)).

84-10.1004 Yard—Setback.

Setback (front yard) provisions for the R-12 district shall be the same as those for the R-6 district (Section 84-4.1004).

(Ord. 1569: Ord. 1482: prior code § 8144.5(h)).

84-10.1006 Yard—Rear.

Rear yard provisions for the R-12 district shall be the same as those for the R-6 district (84-4.1006).

(Ord. 1569: Ord. 1482: prior code § 8144.5(i)).

Article 84-10.12. Off-Street Parking

84-10.1202 Off-street parking—Space requirements.

Off-street parking provisions for the R-12 district shall be the same as those for the R-6 district (84-4.1202).

(Ord. 71-59 §§ 4, 5, 1971: Ord. 1569: Ord. 1482: prior code § 8144.5(j)).

Article 84-10.14. Land Use and Variance Permits

84-10.1402 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-10.404, and variance permits to modify the provisions in Sections 84-4.402(5) and 84-10.602 — 84-10.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ords. 77-51 § 6, 1482: prior code § 8144.5(k)).

Chapter 84-12 R-15 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-12.2. General

84-12.202 General provisions.

All land within an R-15 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1569: prior code § 8145 (part): Ord. 1269: Ord. 1179).

Article 84-12.4. Uses

84-12.402 Uses—Permitted.

Uses permitted in the R-15 district shall be: All those uses designated for the R-6 district in Section 84-4.402.

(Ord. 68-25 § 2, 1968: Ord. 1569: prior code § 8145(a): Ord. 1269: Ord. 1179).

84-12.404 Uses—Requiring land use permit.

In the R-15 district the following uses are permitted on the issuance of a land use permit: All the uses designated for the R-6 district in Section 84-4.404.

(Ord. 1569: prior code § 8145(b): Ord. 1269: Ord. 1179).

Article 84-12.6. Lots

84-12.602 Lot—Area.

No single-family dwelling or other structure permitted in the R-15 district shall be erected or placed on a lot smaller than fifteen thousand square feet in area.

(Ord. 1569: prior code § 8145(c): Ord. 1269: Ord. 1179).

84-12.604 Lot—Width.

Lot width provisions for the R-15 district shall be the same as those for the R-12 district (Section 84-10.604).

(Ord. 1569: prior code § 8145(d): Ord. 1269: Ord. 1179).

84-12.606 Lot—Depth.

Lot depth provisions for the R-15 district shall be the same as those for the R-12 district (Section 84-10.606).

(Ord. 1569: prior code § 8145(e): Ord. 1269: Ord. 1179).

Article 84-12.8. Building Height

84-12.802 Building height—Maximum.

Building height provisions for the R-15 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 1569: prior code § 8145(f): Ord. 1269: Ord. 1179).

Article 84-12.10. Yards

84-12.1002 Yard—Side.

Side yard provisions for the R-15 district shall be the same as those for the R-12 district (Section 84-10.1002).

(Ord. 1569: prior code § 8145(g): Ord. 1269: Ord. 1179).

84-12.1004 Yard—Setback.

Setback (front yard) provisions for the R-15 district shall be the same as those for the R-6 district (Section 84-4.1004).

(Ord. 1569: prior code § 8145(h): Ord. 1269: Ord. 1179).

84-12.1006 Yard—Rear.

Rear yard provisions for the R-15 district shall be the same as those for the R-6 district (Section 84-4.1006).

(Ord. 1569: Prior code § 8145(i): Ord. 1269: Ord. 1179).

Article 84-12.12. Off-Street Parking

84-12.1202 Off-street parking—Space requirements.

Off-street parking provisions for the R-15 district shall be the same as those for the R-6 district (Section 84-4.1202).

(Ord. 72-44 § 1, 1972: Ord. 71-59 §§ 4, 5, 1971: Ord. 1569: prior code § 8145(j): Ord. 1269: Ord. 1179).

Article 84-12.14. Land Use and Variance Permits

84-12.1402 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-12.404, and variance permits to modify the provisions in Sections 84-4.402(5) and 84-12.602 — 84-12.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ords. 77-51 § 7: prior code § 8145(k): Ords. 1179 56 [382 § 451).

Chapter 84-14 R-20 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-14.2. General

84-14.202 General provisions.

All land within an R-20 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1768: Ord. 1569: prior code § 8146 (part): Ord. 1269: Ord. 1179).

Article 84-14.4. Uses

84-14.402 Uses—Permitted.

The following uses are allowed in the R-20 district:

(1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it.

(2) Crop and tree farming, and horticulture.

(3) A temporary stand for the sale of agricultural products grown on the premises, with two and one-half acres per stand, set back at least thirty-five feet from the front property line, and operated not more than three months in any calendar year.

(4) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50.

(5) Publicly owned parks and playgrounds.

(6) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff.

(7) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.

(8) Bird enclosures in compliance with the provisions of Chapter 82-50.

(9) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.

(10) An urban housing development in compliance with the provisions of Chapter 88-36.

(11) Supportive housing, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.

(12) Transitional housing, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.

(Ords. 86-43 § 4, 78-83 § 2, 77-51 § 8, 68-25 § 2, 2033, 2032, 1768 § 2: prior code § 8146(a): Ord. 1269, 1179 § 8, 382 § 4V).

(Ord. No. 2022-37, § IV, 12-6-22; Ord. No. 2022-14, § IV, 3-29-22; Ord. No. 2020-01, § VII, 1-21-20; Ord. of 2018-06, § V, 5-1-18; Ord. No. 2017-11, § IV, 5-23-17)

84-14.404 Uses—Requiring land use permit.

In the R-20 district the following uses are permitted on the issuance of a land use permit:

(1) Same as in the R-6 district (Section 84-4.404) except for the deletion of "Greenhouses, over three hundred square feet";

(2) Horse riding academies and horse riding instruction, provided that the standards in Section 82-50.408 are complied with.

(Ord. of 2018-06, § VI, 5-1-18; Ords. 86-43 § 5, 1768, 1569: prior code § 8146(b): Ord. 1269: Ord. 1179).

Article 84-14.6. Lots

84-14.602 Lot—Area.

No single-family dwelling or other structure permitted in the R-20 district shall be erected or placed on a lot less than twenty thousand square feet in area.

(Ord. 1768: Ord. 1569: prior code § 8146(c): Ord. 1269: Ord. 1179).

84-14.604 Lot—Width.

No single-family dwelling or other structure permitted in the R-20 district shall be erected or placed on a lot less than one hundred twenty feet in average width.

(Ord. 1768: Ord. 1569: prior code § 8146(d): Ord. 1269: Ord. 1179).

84-14.606 Lot—Depth.

No single-family dwelling or other structure permitted in the R-20 district shall be erected or placed on a lot less than one hundred twenty feet deep.

(Ord. 1768: Ord. 1569: prior code § 8146(e): Ord. 1269: Ord. 1179).

Article 84-14.8. Building Height

84-14.802 Building height—Maximum.

Building height provisions for the R-20 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 1768: Ord. 1569: prior code § 8146(f): Ord. 1269: Ord. 1179).

Article 84-14.10. Yards

84-14.1002 Yard—Side.

There shall be an aggregate side yard width of at least thirty-five feet. No side yard shall be less than fifteen feet wide. These minima may be reduced to three feet for an accessory building or structure if it is set back at least sixty-five feet from the front property line.

(Ord. 1768: Ord. 1569: prior code § 8146(g): Ord. 1269: Ord. 1179).

84-14.1004 Yard—Setback.

There shall be a setback (front yard) of at least twenty-five feet for any structure in the R-20 district; on corner lots the principal frontage of the lot shall have a setback of at least twenty-five feet and the other setback shall be at least twenty feet.

(Ord. 1768: Ord. 1569: prior code § 8146(h): Ord. 1269: Ord. 1179).

84-14.1006 Yard—Rear.

Rear yard provisions for the R-20 district shall be the same as those for the R-6 district (Section 84-4.1006).

(Ord. 1768: Ord. 1569: prior code § 8146(i): Ord. 1269: Ord. 1179).

Article 84-14.12. Off-Street Parking

84-14.1202 Off-street parking—Space requirements.

Off-street parking provisions for the R-20 district shall be the same as those for the R-6 district (Section 84-4.1202).

(Ord. 71-59 §§ 4, 5, 1971: Ord. 1768: Ord. 1569: prior code § 8146(j): Ord. 1269: Ord. 1179).

Article 84-14.14 Reserved[8]

Article 84-14.16. Land Use and Variance Permits

84-14.1602 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-14.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-14.602 through 84-14.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. of 2018-06, § VIII, 5-1-18; Ords. 77-51 § 9, 1768 § 4: prior code § 8146(1); Ords. 1179 § 8 [382 § 4V]).

[8]Editor's note(s)—Ord. of 2018-06, § VII, adopted May 1, 2018, repealed art. 84-14.14, § 84-14.1402, in its entirety. Former art. 84-14.14 pertained to "Animal Structures," and was derived from Ord. No. 1768; Ord. No. 1569; prior code § 8146(k); Ord. No. 1269 and Ord. No. 1179.

Chapter 84-16 R-40 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-16.2. General

84-16.202 General provisions.

All land within an R-40 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1768: Ord. 1569: prior code § 8148 (part): Ord. 1269: Ord. 1179).

Article 84-16.4. Uses

84-16.402 Uses—Permitted.

Uses permitted in the R-40 district shall be: All those uses designated for the R-20 district in Section 84-14.402.

(Ord. 68-25 § 2, 1968: Ord. 2033 § 1, 1966: Ord. 1768: Ord. 1569: prior code § 8148(a): Ord. 1269: Ord. 1179).

84-16.404 Uses—Requiring land use permit.

In the R-40 district the following uses are permitted on the issuance of a land use permit: All the uses designated for the R-20 district in Section 84-14.404.

(Ord. 1768: Ord. 1569: prior code § 8148(b): Ord. 1269: Ord. 1179).

Article 84-16.6. Lots

84-16.602 Lot—Area.

No single-family dwelling or other structure permitted in the R-40 district shall be erected or placed on a lot smaller than forty thousand square feet in area.

(Ord. 1768: Ord. 1569: prior code § 8148(c): Ord. 1269: Ord. 1179).

84-16.604 Lot—Width.

No single-family dwelling or other structure permitted in the R-40 district shall be erected or placed on a lot less than one hundred forty feet deep in average width.

(Ord. 1768: Ord. 1569: prior code § 8148(d): Ord. 1269: Ord. 1179).

84-16.606 Lot—Depth.

No single-family dwelling or other structure permitted in the R-40 district shall be erected or placed on a lot less than one hundred forty feet deep.

(Ord. 1768: Ord. 1569: prior code § 8148(e): Ord. 1269: Ord. 1179).

Article 84-16.8. Building Height

84-16.802 Building height—Maximum.

Building height provisions for the R-40 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 1768: Ord. 1569: prior code § 8148(f): Ord. 1269: Ord. 1179).

Article 84-16.10. Yards

84-16.1002 Yard—Side.

There shall be an aggregate side yard width of at least forty feet wide. No side yard shall be less than twenty feet wide. These minima may be reduced to three feet for an accessory building or structure if it is set back at least seventy-five feet from the front property line.

(Ord. 1768: Ord. 1569: prior code § 8148(g): Ord. 1269: Ord. 1179).

84-16.1004 Yard—Setback.

Setback (front yard) provisions for the R-40 district shall be the same as those for the R-20 district (Section 84-14.1004).

(Ord. 1768: Ord. 1569: prior code § 8148(h): Ord. 1269: Ord. 1179).

84-16.1006 Yard—Rear.

Rear yard provisions for the R-40 district shall be the same as those for the R-6 district (Sections 84-4.1006).

(Ord. 1768: Ord. 1569: prior code § 8148(i): Ord. 1269: Ord. 1179).

Article 84-16.12. Off-Street Parking

84-16.1202 Off-street parking—Space requirements.

Off-street parking provisions for the R-40 district shall be the same as those for the R-6 district (Section 84-4.1202).

(Ord. 71-59 §§ 3, 4, 1971: Ord. 1768: Ord. 1569: prior code § 8148(j): Ord. 1269: Ord. 1179).

Article 84-16.14 Reserved[9]

Article 84-16.16. Land Use and Variance Permits

84-16.1602 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-16.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-16.602 through 84-16.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. of 2018-06, § X, 5-1-18; Ords. 77-51 § 10, 1768 § 4: prior code § 8148(l): Ords. 1179 § 9, 420 § 6 [382 § 46]).

Chapter 84-18 R-65 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-18.2. General

84-18.202 General provisions.

All of the land lying within an R-65 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1768: Ord. 1569: prior code § 8148.5 (part): Ord. 1405).

Article 84-18.4. Uses

84-18.402 Uses—Permitted.

Uses permitted in the R-65 district shall be: All those uses designated for the R-20 district in Section 84-14.402.

(Ord. 68-25 § 2, 1968: Ord. 2033 § 1, 1966: Ord. 1768: Ord. 1569: prior code § 8148.5(a): Ord. 1405).

84-18.404 Uses—Requiring land use permit.

In the R-65 district the following uses are permitted after the issuance of a land use permit:

(1) All the uses designated for the R-6 district in Section 84-4.404 except for the deletion of:

(A) Greenhouses, over three hundred square feet;

(B) Hospitals, eleemosynary and philanthropic institutions and convalescent homes;

[9]Editor's note(s)—Ord. of 2018-06, § IX, adopted May 1, 2018, repealed art. 84-16.14, § 84-16.1402, in its entirety. Former art. 84-16.14 pertained to "Animal Structures," and was derived from Ord. No. 1768; Ord. No. 1569; prior code § 8148(k); Ord. No. 1269 and Ord. No. 1179.

(2) Horse riding academies and horse riding instruction, provided that the standards in Section 82-50.408 are complied with.

(Ord. of 2018-06, § XI, 5-1-18; Ord. 1768: Ord. 1569: prior code § 8148(b): Ord. 1405).

Article 84-18.6. Lots

84-18.602 Lot—Areas.

No single-family dwelling or other structure herein permitted shall be erected or placed upon a lot smaller than sixty-five thousand square feet in area.

(Ord. 1768: Ord. 1569: prior code § 8148.5(c): Ord. 1405).

84-18.604 Lot—Width.

Lot width provisions for the R-65 district shall be the same as those for the R-40 district (Section 84-16.604).

(Ord. 1768: Ord. 1569: prior code § 8148.5(d): Ord. 1405).

84-18.606 Lot—Depth.

Lot depth provisions for the R-65 district shall be the same as those for the R-40 district (Section 84-16.606).

(Ord. 1768: Ord. 1569: prior code § 8148(e): Ord. 1405).

Article 84-18.8. Building Height

84-18.802 Building height—Maximum.

Building height provisions for the R-65 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 1768: Ord. 1569: prior code § 8148(f): Ord. 1405).

Article 84-18.10. Yards

84-18.1002 Yard—Side.

Side yard provisions for the R-65 district shall be the same as those for the R-40 district (Section 84-16.1002).

(Ord. 1768: Ord. 1569: prior code § 8148.5(g): Ord. 1405).

84-18.1004 Yard—Setback.

Setback (front yard) provisions for the R-65 district shall be the same as those for the R-20 district (Section 84-14.1004).

(Ord. 1768: Ord. 1569: prior code § 8148.5(h): Ord. 1405).

84-18.1006 Yard—Rear.

Rear yard provisions for the R-65 district shall be the same as those for the R-6 district (84-4.1006).

(Ord. 1768: Ord. 1569: prior code § 8148.5(i): Ord. 1405).

Article 84-18.12. Off-Street Parking

84-18.1202 Off-street parking—Space requirements.

Off-street parking provisions for the R-65 district shall be the same as those for the R-6 district (Section 84-4.1202).

(Ord. 71-59 §§ 4, 5, 1971: Ord. 1768: Ord. 1569: prior code § 8148.5(j): Ord. 1405).

Article 84-18.14 Reserved[10]

Article 84-18.16. Land Use and Variance Permits

84-18.1602 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-18.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-18.602 through 84-18.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. of 2018-06, § XIII, 5-1-18; Ords. 77-51 § 11, 1768 § 4: prior code § 8148.5(l): Ord. 1405).

Chapter 84-20 R-100 SINGLE-FAMILY RESIDENTIAL DISTRICT

Article 84-20.2. General

84-20.202 General provisions.

All land within an R-100 single-family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7 (part)).

Article 84-20.4. Uses

84-20.402 Uses—Permitted.

Uses permitted in the R-100 district shall be: All those uses designated for the R-20 district in Section 84-14.402.

[10]Editor's note(s)—Ord. of 2018-06, § XII, adopted May 1, 2018, repealed art. 84-18.14, § 84-18.1402, in its entirety. Former art. 84-18.14 pertained to "Animal Structures," and was derived from Ord. No. 1768; Ord. No. 1569; prior code § 8148.5(k) and Ord. No. 1405.

(Ord. 68-25 § 2, 1968: Ord. 2033 § 1, 1966: Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(a)).

84-20.404 Uses—Requiring land use permit.

In the R-100 district, the following uses are permitted subject to the issuance of a land use permit: Same as those designated for the R-65 district in Section 84-18.404.

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(b)).

Article 84-20.6. Lots

84-20.602 Lot—Area.

No single-family dwelling or other structure permitted in the R-l00 district shall be erected or placed on a lot smaller than one hundred thousand square feet in area.

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(c)).

84-20.604 Lot—Width.

No single-family dwelling or other structure permitted in the R-100 district shall be erected or placed on a lot less than two hundred feet in average width.

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(d)).

84-20.606 Lot—Depth.

No single-family dwelling or other structure permitted in the R-100 district shall be erected on a lot less than two hundred feet deep.

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(e)).

Article 84-20.8. Building Height

84-20.802 Building height—Maximum.

Building height provisions for the R-100 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(f)).

Article 84-20.10. Yards

84-20.1002 Yard—Side.

There shall be an aggregate side yard width of at least sixty feet. No side yard shall be less than thirty feet wide. These minima may be reduced to three feet for an accessory building or structure if it is set back at least sixty-five feet from the front property line.

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(g)).

84-20.1004 Yard—Setback.

There shall be a setback (front yard) of at least thirty feet for any structure in the R-100 district; on corner lots, the principal frontage of the lot shall have a setback of at least thirty feet and the other setback shall be at least twenty-five feet.

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(h)).

84-20.1006 Yard—Rear.

There shall be a rear yard for any principal structure of at least thirty feet. There shall be a rear yard for accessory structures of at least three feet.

(Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(i)).

Article 84-20.12. Off-Street Parking

84-20.1202 Off-street parking—Space requirements.

Off-street parking provisions for the R-100 district shall be the same as those for the R-6 district (Section 84-4.1202).

(Ord. 71-59 §§ 4, 5, 1971: Ord. 1768: Ord. 1569: Ord. 1549: prior code § 8148.7(j)).

Article 84-20.14 Reserved[11]

Article 84-20.16. Land Use and Variance Permits

84-20.1602 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-20.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-20.602 through 84-20.1202, may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. of 2018-06, § XV, 5-1-18; Ords. 77-51 § 12, 1768 § 4, 1549: prior code § 8148.7(l)).

Chapter 84-22 D-1 TWO-FAMILY RESIDENTIAL DISTRICT

Article 84-22.2. General

84-22.202 General provisions.

All land within a D-1 two-family residential district may be used for any of the following uses under the following regulations set forth in this chapter.

[11]Editor's note(s)—Ord. of 2018-06, § XIV, adopted May 1, 2018, repealed art. 84-20.14, § 84-20.1402, in its entirety. Former art. 84-20.14 pertained to "Animal Structures," and was derived from Ord. No. 1768; Ord. No. 1569; Ord. No. 1549 and prior code § 8148.7(k).

(Ord. 1762: prior code § 8149 (part): Ord. 1269: Ord. 928).

Article 84-22.4. Uses

84-22.402 Uses—Permitted.

Uses permitted in the D-1 district shall be:

(1) All the uses designated for the R-6 district in Section 84-4.402;

(2) A detached two-family dwelling (duplex) on each lot and uses normally auxiliary thereto.

(Ord. 68-25 § 2, 1968: Ord. 1762: prior code § 8149(a): Ord. 1269: Ord. 928).

84-22.404 Uses—Requiring land use permit.

In the D-1 district the following uses are permitted on the issuance of a land use permit: All the uses designated for the R-6 district in Section 84-4.404.

(Ord. 1762: prior code § 8149(b): Ord. 1269: Ord. 928).

Article 84-22.6. Lots

84-22.602 Lot—Area.

No two family dwelling or other structure permitted in the D-1 district shall be erected or placed on a lot smaller than eight thousand square feet in area.

(Ord. 1762: prior code § 8149(c): Ord. 1269: Ord. 928).

84-22.604 Lot—Width.

Lot width provisions for the D-1 district shall be the same as those for the R-l0 district (Section 84-8.604).

(Ord. 1762: prior code § 8149(d): Ord. 1269: Ord. 928).

84-22.606 Lot—Depth.

Lot depth provisions for the D-1 district shall be the same as those for the R-6 district (Section 84-4.606).

(Ord. 1762: prior code § 8149(e): Ord. 1269: Ord. 928).

Article 84-22.8. Building Height

84-22.802 Building height—Maximum.

Building height provisions for the D-1 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 1762: prior code § 8149(f): Ord. 1269: Ord. 928).

Article 84-22.10. Yards

84-22.1002 Yard—Side.

Side yard provisions for the D-1 district shall be the same as those for the R-10 district (Section 84-8.1002).

(Ord. 1762: prior code § 8149(g): Ord. 1269: Ord. 928).

84-22.1004 Yard—Setback.

Setback (front yard) provisions for the D-1 district shall be the same as those for the R-6 district (Section 84-4.1004).

(Ord. 1762: prior code § 8149(h): Ord. 1269: Ord. 928).

84-22.1006 Yard—Rear.

Rear yard provisions for the D-1 district shall be the same as those for the R-6 district (Section 84-4.1006).

(Ord. 1762: prior code § 8149(i): Ord. 1269: Ord. 928).

Article 84-22.12. Off-Street Parking

84-22.1202 Off-street parking—Space requirements.

Every dwelling unit permitted in the D-1 district shall have on the same lot or parcel covered automobile storage space for at least two automobiles; this space shall have minimum dimensions of at least nine feet by nineteen feet.

(Ord. 1762: prior code § 8149(j): Ord. 1269: Ord. 928).

Article 84-22.14. Land Use and Variance Permits

84-22.1402 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-22.404 and variance permits to modify the provisions contained in Sections 84-22.602 — 84-22.1202 may be granted in accordance with Chapter 82-6.

(Ord. 1762: prior code § 8149(k): Ord. 1269: Ord. 928).

Chapter 84-26 M-29 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Article 84-26.2. General

84-26.202 General provisions.

All land within an M-29 multiple family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151: Ord. 1224).

84-26.204 Purpose.

The purpose of this chapter's regulations is to allow for multiple family residential district development designed to provide as much compatibility as possible with nearby single-family residential zoning.

(Ord. 78-40 § 1).

84-26.206 M-2 district.

All land zoned and located within an M-2 multiple family residential district shall be administered conformably with all the provisions of this chapter.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151: Ord. 1224).

Article 84-26.4. Uses

84-26.402 Uses—Permitted

The following uses are allowed in an M-29 district:

(1) A detached single family dwelling on each lot and the accessory structures normally auxiliary to it.

(2) Duplex.

(3) Multiple family buildings, but not including motels or hotels.

(4) Crop and tree farming, not including retail nurseries or the raising or keeping of any animals other than ordinary household pets.

(5) A foster family home or a small family home, as those terms are defined in Health and Safety Code section 1502(a), that has obtained all required state and local agency approvals and licenses.

(6) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.

(7) A residential care facility for the elderly, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside or members of the licensee's family or persons employed as facility staff.

(8) Accessory dwelling units in compliance with the provisions of Chapter 82-24.

(9) Supportive housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside.

(10) Transitional housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside.

(Ord. No. 2020-01, § VIII, 1-21-20; Ord. No. 2017-14, § VII, 9-19-17; Ords. 2003-17 § 6, 86-43 § 6, 78-83 § 3, 78-40 § 1, 72-44 § 2, 68-25 § 2, 1761, 1569 prior code § 8151(a): Ord. 1224.)

84-26.404 Uses—Requiring land use permit.

The following uses may be allowed in an M-29 district on the issuance of a land use permit:

(1) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and boarding homes.

(2) Churches, religious institutions, and parochial and private schools.

(3) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis, and swimming clubs; veterans' and fraternal organizations not organized for monetary profit.

(4) Greenhouses (over three hundred square feet) and nurseries for the propagation of plants only and not including any retail sales of nursery products.

(5) Medical and dental offices and clinics.

(6) Publicly owned buildings and structures, except as provided in Division 82.

(7) Commercial radio and television receiving transmitting facilities but not including broadcasting studios or business offices.

(8) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(9) Supportive housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.

(10) Transitional housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.

(Ords. 2003-17 § 7, 87-67 § 5, 86-43 § 7, 78-40 § 1, 72-44 § 2, 1761, 1569 prior code § 8151(b): Ord. 1224.)

(Ord. No. 2022-37, § V, 12-6-22; Ord. No. 2017-14, § VIII, 9-19-17; Ord. No. 2013-12, § V, 4-16-13)

Article 84-26.6. Lots

84-26.602 Area.

No building or other structure permitted in the M-29 district shall be erected or placed on a lot containing less that the following square feet in land area:

Building or Structure Proposed	Minimum Area
A detached single-family dwelling	6,000
A duplex	8,000
A multiple family building	10,000
Other structure	10,000

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569; prior code § 8151(c): Ord. 1224).

84-26.604 Width.

No lot width is required.

(Ords. 78-40 § 1, 72-44 §§ 2 and 3, 1761, 1569: prior code § 8151(d): Ord. 1224).

84-26.606 Depth.

No lot depth is required.

(Ords. 78-40 § 1, 72-44 §§ 2 and 3, 1761, 1569: prior code § 8151(e): Ord. 1224).

84-26.608 Coverage.

No building or structure permitted in the M-29 district shall be more than thirty-five percent of the lot area.

(Ords. 78-40 § 1, 72-44 §§ 2 and 3, 1761, 1569: prior code § 8151(k): Ord. 1224).

84-26.610 Unit density.

The maximum number of apartment units allowed in this district is twenty-nine per acre which maximum may be reduced as part of development plan review and approval. For each apartment unit a minimum of fifteen hundred square feet of land in area shall be provided.

(Ord. 7840 § 1.)

Article 84-26.8. Building Height

84-26.802 Maximum.

No building or other structure permitted in this district shall exceed thirty feet in height, except that when an M-29 district abuts any single-family residential district, then the building height maximum of the portion of this district within fifty feet of the abutting single-family residential district shall be twenty feet.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(f): Ord. 1224).

Article 84-26.10. Yards

84-26.1002. Side.

There shall be a side yard width of at least twenty feet between any building or structure established in this district and the boundary lines of the lot, except that garages or any other accessory building or structure may have a minimum of a three-foot side yard when located at least fifty feet from the property line.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(g): Ord. 1224).

84-26.1004 Setback.

There shall be a setback (front yard) of at least twenty-five feet between any building or structure established in this district and the front property line of the lot.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(h): Ord. 1224).

84-26.1006 Rear.

There shall be a rear yard width of at least twenty feet between any building or structure established in this district and the rear boundary line of the lot, except that garages or any other accessory building or structure may have a three foot rear yard.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(i): Ord. 1224).

84-26.1008 Exception.

Development pursuant to any multiple family residential district site plan approved prior to July 13, 1978, shall be governed by the yard requirements applicable when the site plan was approved and shall not be subject to the requirements of this article.

(Ord. 78-40 § 1).

Article 84-26.12. Off-Street Parking

84-26.1202 Space requirements.

(a) Every apartment or dwelling unit shall have, on the same lot or parcel, off-street automobile storage space as follows:

  (1) Studio dwelling unit, one space; one bedroom dwelling unit, one and one-half spaces; two or more bedroom units, two spaces; plus

  (2) One-quarter space per each dwelling unit for guest parking, which may include available curb parking along the subject property's street frontage, and fractional amounts of which shall be rounded out to the next higher whole number of spaces.

(b) Each space shall have minimum dimensions of nine feet clear by nineteen feet surfaced area, and shall not be located within the side yard or setback areas of the principal structure. One-half of the required spaces shall be covered.

(Ords. 78-40 § 1, 72-44 § 2, 71-59 § 2, 1761, 1569: prior code § 8151(j): Ord. 1224).

Article 84-26.14. Open Area

84-26.1402 Requirements.

Twenty-five percent of the area described by the development plan submitted pursuant to Article 84-26.18 shall not be occupied by building, structures, or pavement, but shall be landscaped. Seventy-five percent of the twenty-five percent (open area) shall be planted and maintained with growing plants.

(Ord. 78-40 § 1).

Article 84-26.16. Building Relationship

84-26.1602 Requirements.

Each building or structure shall be located at least twenty feet from each other building or structure, except that garages and covered walkways between buildings or structures may be permitted within this twenty-foot distance. A covered walkway shall not exceed ten feet in height, no more than fifty percent of the sides of the structures shall be enclosed with any material other than that necessary for roof supports, and walkway shall not be more than ten feet wide.

(Ord. 78-40 § 1).

Article 84-26.18. Development Plans

84-26.1802 Requirement.

No development is lawful in an M-29 district until a development plan for it has been submitted to and approved by the zoning administrator.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(l)(2): Ord. 1224).

84-26.1804 Application.

All applications for development plan approved shall include drawings drawn to scale indicating the following:

(1) Topography;

(2) A boundary survey of the site;

(3) All existing and proposed structures, the height of each structure, and the number of dwelling units in each structure;

(4) Planting and landscape area;

(5) Automobile parking areas;

(6) Vehicular and pedestrian ways with grades, widths, and type of proposed improvements;

(7) Access points providing ingress to and egress from the side;

(8) Existing and proposed utilities;

(9) Recreation facilities if any;

(10) Surface drainage conditions and outlets;

(11) Building elevations including architectural type;

(12) Amount of studio, one bedroom, two bedroom, or other size apartment units;

(13) Additional information as may be required by the zoning administrator including a statement of how the proposed plan is consistent with, and will further the goals and objectives of the general plan including, but not limited to, its community facilities element.

(Ords. 85-56 § 4, 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(l)(2): Ord. 1224).

84-26.1806 Review, approval, changes, conditions.

(a) Review. The zoning administrator shall review development plan applications, for approval, modification, or denial in public hearing pursuant to and otherwise regulated by the land use permit provisions of Chapter 26-2.

(b) Approval. In approving the application, the zoning administrator ~~he~~ shall find that it is consistent with the purpose of this district and that it is compatible with other uses in the vicinity, both inside and outside the district.

(c) Changes. When any plan has been approved by the zoning administrator it shall not thereafter be changed except with the zoning administrator's ~~his~~ approval after review, for which the zoning administrator ~~he~~ may schedule a public hearing under Chapter 26-2.

(d) Conditions. The zoning administrator may impose reasonable conditions and limitations in addition to the requirements listed in this article, to carry out the purpose of this district.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code (l)(5): Ord. 1224).

84-26.1808 Rezoning to M-29 district.

(a) An applicant for rezoning to an M-29 district may submit simultaneously and in combination with the zoning application, or thereafter but before the board's final zoning decision, an application for approval of a development plan for the property.

(b) Such a development plan application shall be processed and noticed as are those matters designated to come before the zoning administrator, except that it shall be initially heard by the planning commission. The commission's decision shall be a recommendation to the board of supervisors which shall make the final decision on the development plan along with the rezoning.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(l)(6): Ord. 1224).

Article 84-26.20. Land Use and Variance Permits

84-26.2002 Granting.

Land use permits for the special uses enumerated in Section 84-26.404 and variance permits to modify the provisions contained in Articles 84-26.6 through 84-26.18 may be granted in accordance with Chapters 26-2 and 82-6.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8151(m): Ord. 1224).

Chapter 84-28 M-17 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Article 84-28.2. General

84-28.202 General provisions.

All land within an M-17 multiple family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8152: Ord. 1224).

84-28.204. Reserved.

Editor's note(s)—Ord. No. 2014-11, § IX, adopted November 4, 2014, repealed § 84-28.204, in its entirety. Former § 84-28.204 pertained to M-3 district and was derived from Ords. 78-40 § 1, 72-44 § 2, 1761, 1569: prior code § 8152: Ord. 1224.

Article 84-28.4. Reference to M-29 District

84-28.402 Conform to M-29 district.

Except as specified, the M-17 district is established and administered conformably with all the provisions of Chapter 84-26 on M-29 districts.

(Ord. 78-40 § 1).

84-28.404 Differences from M-29 district.

The following items for M-17 districts are different from those for M-29 districts:

(1) Coverage. No building or structure permitted in the M-17 district shall cover more than twenty-five percent of the lot area.

(2) Unit Density. The maximum number of apartment units allowed in this district is seventeen per acre which maximum may be reduced as part of development plan review and approval. For each apartment unit a minimum of twenty-five hundred square feet of land in area shall be provided.

(Ord. 78-40 § 1).

Chapter 84-29 M-12 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Article 84-29.2. General

84-29.202 General provisions.

All land within an M-12 multiple family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ords. 78-40 § 1, 71-112, 1862: prior code § 8152.5).

84-29.204. Reserved.

Editor's note(s)—Ord. No. 2014-11, § X, adopted November 4, 2014, repealed § 84-29.204, in its entirety. Former § 84-29.204 pertained to M-4 district and was derived from Ords. 78-40 § 1, 71-112, 1862: prior code § 8152.5.

Article 84-29.4. Reference to M-29 District

84-29.402 Conform to M-29 district.

Except as specified, the M-12 district is established and administered conformably with all the provisions of Chapter 84-26 on M-29 district.

(Ord. 78-40 § 1).

84-29.404 Differences from M-29 district.

The following items for M-12 districts are different from those for M-29 districts:

(1) Coverage. No building or structures permitted in the M-12 district shall cover more than twenty-five percent of the lot area.

(2) Unit Density. The maximum number of apartment units allowed in this district is twelve per acre which maximum may be reduced as part of development plan review and approval. For each apartment unit a minimum of three thousand six hundred square feet of land in area shall be provided.

(Ord. 79-7 § 6, 78-40).

Chapter 84-30 M-9 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Article 84-30.2. General

84-30.202 General provisions.

All land within an M-9 multiple family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ords. 78-40 § 1, 74-35).

84-30.204 M-5 district.

All land zoned and located within an M-5 multiple family residential district shall be administered conformably with all the provisions of this chapter.

(Ords. 78-40 § 1, 74-35).

Article 84-30.4. Reference to M-29 District

84-30.402 Conform to M-29 district.

The following items for M-9 districts are different from those for M-29 districts:

(1) Coverage. No building or structure permitted in the M-9 district shall cover more than twenty-five percent of the lot area.

(2) Unit Density. The maximum number of apartment units allowed in this district is nine per acre which maximum may be reduced as part of development plan review and approval. For each apartment unit a minimum of forty-eight hundred square feet of land in area shall be provided.

(Ord. 78-40 § 1).

Chapter 84-31 M-6 MULTIPLE FAMILY RESIDENTIAL DISTRICT

Article 84-31.2. General

84-31.202 General provisions.

All land within an M-6 multiple family residential district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ords. 78-40 § 1, 74-35).

Article 84-31.4. Reference to M-29 District

84-31.402 Conform to M-29 district.

Except as specified, the M-6 district is established and administered conformably with all the provisions of Chapter 84-26 on M-29 districts.

(Ord. 78-40 § 1).

84-31.404 Differences from M-29 district.

The following items for M-6 districts are different from those for M-29 districts:

(1) Coverage. No building or structure permitted in the M-6 district shall cover more than twenty-five percent of the lot area.

(2) Unit Density. The maximum number of apartment units allowed in the district is six per acre which maximum may be reduced as part of development plan review and approval. For each apartment unit a minimum of seventy-two hundred square feet of land in area shall be provided.

(Ord. 78-40 § 1).

Chapter 84-32 F-R FORESTRY RECREATION DISTRICT

84-32.202 General provisions.

All land within an F-R forestry recreation district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Prior code § 8153 (part)).

Article 84-32.4. Uses

84-32.402 Uses—Permitted.

Uses permitted in the F-R district shall be as follows:

(1) All of the uses permitted in single-family residential districts and agricultural districts, together with the uses permitted by Division 84 after the granting of land use permits for the special uses authorized in any of these districts, except family care homes;

(2) For public and private parks and playgrounds, summer homes, hotels, golf courses, organized recreation camps, residences, temporary and seasonal clubs and camps, and other recreational uses.

(Ord. 86-43 § 8: prior code § 8153(a)(b) (part)).

84-32.404 Uses—Requiring land use permit.

In the F-R district the following uses are permitted on the issuance of a land use permit:

(1) Gift shops;

(2) Tea rooms; and

(3) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(Ord. 86-43 § 9: prior code § 8153(a)(b) (part)).

(Ord. No. 2022-37, § VI, 12-6-22)

Article 84-32.6. Lots

84-32.602 Lot—Area.

All buildings or parts of buildings hereafter erected or altered for use as single-family dwellings in forestry recreation districts shall have a lot area of not less than one-half acre, and all these lots shall have an average width of not less than eighty feet.

(Prior code § 8153(c)).

Article 84-32.8. Building Height

84-32.802 Building height—Maximum.

No building or structure or part of it hereafter erected for use in a forestry recreation district shall be more than four stories or fifty feet in height.

(Prior code § 8153(d)).

Article 84-32.10. Yards

84-32.1002 Yard—Side.

There shall be a side yard on each side of each building in a forestry recreation district. The aggregate width of side yards shall not be less than thirty-five feet, and no side yard shall be less than fifteen feet for each building. The depth of the rear yard of any lot on which a summer home is erected or altered shall not be less than fifteen feet.

(Prior code § 8153(e)).

84-32.1004 Yard—Setback.

Every structure erected in a forestry recreation district and every structure accessory to it shall be located at least twenty-five feet from the boundary line of any existing public road or highway.

(Prior code § 8153(f)).

Article 84-32.12. Land Use and Variance Permits

84-32.1202 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Sections 84-32.402 and 84-32.404 and variance permits to modify the provisions contained in Sections 84-32.602 — 84-32.1004 may be granted after application in accordance with Chapter 82-6.

(Prior code § 8153(g)).

Chapter 84-34 F-1 WATER RECREATIONAL DISTRICT

Article 84-32.2. General

84-34.202 General provisions.

All areas within an F-1 water recreational district may be used for any of the following uses under the following regulations set forth in this chapter.

(Ord. 67-38 § 1 (part), 1967: prior code § 8154 (part): Ord. 671: Ord. 613).

Article 84-34.4. Uses

84-34.402 Uses—Permitted.

Uses permitted in the F-1 district shall be as follows:

(1) A detached single-family dwelling on each lot and accessory structures and uses normally auxiliary to it.

(2) Crop and tree farming, not including the raising or keeping of any animals other than ordinary household pets.

(3) Noncommercial boating facilities with a maximum of two boat berths, provided that the boating facilities have adequate sanitary facilities provided on the lot onto which the boat berths are attached or on the piers which are attached to the subject lot. Also, for each boat berth there shall be provided two off-street parking spaces on the lot onto which the boat berth is attached. The residential off-street parking requirement may be used to satisfy the parking requirement for one boat berth.

(4) A foster family home or a small family home, as those terms are defined in Health and Safety Code section 1502(a), that has obtained all required state and local agency approvals and licenses.

(5) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.

(6) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.

(Ords. 86-43 § 10, 68-25 § 2, 1958: Ord. 67-38 § 1 (part), 1967: prior code § 8154(a): Ords. 671, 613).

(Ord. No. 2022-37, § VII, 12-6-22; Ord. No. 2020-01, § IX, 1-21-20)

84-34.404 Uses—Requiring land use permit.

In the F-1 district, the following uses are permitted on the issuance of a land use permit:

(1) All the uses designated for the R-6 district in Section 84-4.404 except for the deletion of "commercial nurseries, etc.";

(2) Commercial boat harbors.

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(b): Ord. 671: Ord. 613).

Article 84-36.6. Lots

84-34.602 Lot—Area.

Lot area provisions for the F-1 district shall be the same as those for the R-6 district (Section 84-4.602).

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(c): Ord. 671: Ord. 613).

84-34.604 Lot—Width.

Lot width provisions for the F-1 district shall be the same as those for the R-6 district (Section 84-4.604).

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(d): Ord. 671: Ord. 613).

84-34.606 Lot—Depth.

Lot depth provisions for the F-1 district shall be the same as those for the R-6 district (Section 84-4.606).

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(e): Ord. 671: Ord. 613).

Article 84-34.8. Building Height

84-34.802 Building height—Maximum.

Building height provisions for the F-1 district shall be the same as those for the R-6 district (Section 84-4.802).

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(f): Ord. 671: Ord. 613).

Article 84-34.10. Yards

84-34.1002 Yard—Side.

Side yard provisions for the F-1 district shall be the same as those for the R-6 district (Section 84-4.1002).

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(g): Ord. 671: Ord. 613).

84-34.1004 Yard—Setback.

Setback (front yard) provisions for the F-1 district shall be the same as those for the R-6 district (Section 84-4.1004).

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(h): Ord. 671: Ord. 613).

84-34.1006 Yard—Levee setback.

There shall be a setback of at least fifty feet from the centerline of any levee located on or near the subject lot. A variance from this setback requirement may be granted by the zoning administrator through administrative review. The zoning administrator may waive the necessity of a public hearing in the zoning administrator's~~his~~ review.

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(i): Ord. 671: Ord. 613).

84-34.1008 Yard—Rear.

Rear yard provisions for the F-1 district shall be the same as those for the R-6 district (Section 84-4.1006).

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(j): Ord. 671: Ord. 613).

Article 84-34.12. Off-Street Parking

84-34.1202 Off-street parking—Space requirements.

Every dwelling unit permitted in the F-1 district shall have on the same lot or parcel, enough automobile storage space for at least two automobiles. This space shall be minimum dimension of nine feet by nineteen feet

for each automobile, either covered or open, and shall not be located within the setback or side yard area of a principal structure.

(Ord. 67-38 § 1 (part), 1967: prior code § 8154(k): Ord. 671: Ord. 613).

Article 84-34.14. Land Use and Variance Permits

84-34.1402 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-34.404, and variance permits to modify the provisions contained in Sections 84-34.402(3) and 84-34.602 through 84-34.1202 may be granted in accordance with Chapter 26-2.

(Ords. 74-21, 67-38: prior code §§ 8154(l), 8154(g): Ord. 613 [Ord. 382 § 4(o)(7)]).

Article 84-34.16. Mobilehomes

84-34.1602 Mobilehomes—Restrictions.

Mobilehomes, except as provided in Chapter 84-70 shall not be permitted in the F-1 district. All those mobilehomes in existence in the areas classified as an F-1 district and which have been in existence following the application of the F-1 district to these respective areas shall be removed prior to December 31, 1968. This provision does not apply to mobilehomes that have been legally established.

(Ord. 67-38 § 3 (part), 1967: prior code § 8154 (part)).

Chapter 84-38 A-2 GENERAL AGRICULTURAL DISTRICT

84-38.202 General provisions.

All of the land lying within an A-2 general agricultural district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1569: Ord. 1555: prior code § 8156 (part): Ord. 1406).

Article 84-38.4. Uses

84-38.402 Permitted.

The following uses are allowed in an A-2 district:

(1) All types of agriculture, including general farming, wholesale horticulture and floriculture, wholesale nurseries and greenhouses, mushroom rooms, dairying, livestock production, fur farms, poultry raising, animal breeding, aviaries, apiaries, forestry, and similar agricultural uses.

(2) Other agricultural uses, including the erection and maintenance of buildings for the storage of agricultural products and equipment; sheds; warehouses; granaries; dehydration plants; hullers; fruit and vegetable packing plants; and agricultural cold storage plants on parcels at least ten acres in size.

(3) A grower stand or farm stand.

(4) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it.

(5) A foster family home or a small family home, as those terms are defined in Health and Safety Code section 1502(a), that has obtained all required state and local agency approvals and licenses.

(6) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, title 22, section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.

(7) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.

(8) A farmworker dwelling.

(9) Farmworker housing complex.

(Ord. No. 2020-01, § X, 1-21-20; Ord. No. 2017-14, § IX, 9-19-17; Ords. 2007-23 § 3, 2006-19 § 4, 94-28 § 2, 86-43 § 13, 68-25 § 2, 1968, 1569, 1555, 1535: prior code § 8156(a): Ord. 1406).

84-38.404 Uses—Requiring land use permit.

The following uses may be allowed in an A-2 district on the issuance of a land use permit:

(1) Publicly owned parks and playground.

(2) Dude ranches, riding academies and stables, and dog kennels.

(3) Publicly owned buildings and structures, except as provided in Division 82.

(4) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(5) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.

(6) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(7) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.

(8) Churches, religious institutions, and parochial and private schools.

(9) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.

(10) One additional single family dwelling.

(11) Medical and dental offices and medical clinics.

(12) Merchandising of agricultural supplies and services incidental to an agricultural use.

(13) Commercial kitchens or other facilities for creating value-added farm products.

(14) Canneries.

(15) Slaughterhouses and stockyards.

(16) Rendering plants and fertilizer plants or yards.

(17) Livestock auction or sales yards.

(18) Commercial recreational facilities when the principal use is not in a building.

(19) Boat storage facilities within one mile by public road of a boat launching facility open to the public. Vessels and vessel trailers may be stored in a boat storage facility. Recreational vehicles may be stored in a boat storage facility as long as the number of recreational vehicles stored does not exceed fifteen percent of the total number of storage spaces in the storage facility.

(20) Retail firewood sales.

(21) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.

(22) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.

(23) A farm market.

(24) Agricultural cold storage plants on parcels less than ten acres in size.

(25) Farmworker housing center.

(26) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(Ord. No. 2024-06, § 4, 3-5-24; Ord. No. 2022-37, § VIII, 12-6-22; Ord. No. 2018-18, § 5, 6-26-18; Ord. No. 2017-14, § X, 9-19-17; Ord. No. 2013-12, § VI, 4-16-13; Ord. No. 2009-12, § III, 5-19-09; Ords. 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b): Ords. 1406 § 3, 497 § 4, 382 § 4E).

84-38.406 Uses—Refuse disposal site—Permit required.

Refuse disposal sites are permitted in the A-2 district upon the issuance of a permit under the provisions of Chapter 418-4.

(Ord. 72-89 § 2, 1972).

Article 84-38.6. Lots

84-38.608 Lot area, width and depth.

Except as provided in Section 84-38.610, uses allowable under Article 84-38.4 are allowable only on lots which equal or exceed all of the following: five acres in area, two hundred fifty feet average width, and two hundred foot depth.

(Ord. 73-86 § 1 (part), 1973).

84-38.610 Existing legal lots excepted.

Any single lot legally created in an A-2 district before November 29, 1973, at least forty thousand square feet in area may be used as provided in Article 84-38.4.

(Ord. 73-86 § 1 (part), 1973).

Article 84-38.8. Building Height

84-38.802 Building height—Maximum.

No structure or building permitted in an A-2 district shall exceed two and one-half stories or thirty-five feet in height, whichever is greater.

(Ord. 2003-11 § 4, Ord. 1569: Ord. 1555: prior code § 8156(f): Ord. 1406).

Article 84-38.10. Yards

84-38.1002 Yard—Side.

There shall be an aggregate side yard width of at least forty feet. No side yards shall be less than twenty feet in width. No barns, stables, apiaries, aviaries, or other buildings or structures used to house livestock, grain-fed rodents, bees, birds, or poultry shall be located in the A-2 district nearer than fifty feet to the boundary line of any residential land use district.

(Ord. 1569: Ord. 1555: prior code § 8156(g): Ord. 1406).

84-38.1004 Yard—Setback.

Any structure in the A-2 district shall have a setback (front yard) of at least twenty-five feet except on corner lots, where the principal frontage of the lot shall have a setback of at least twenty-five feet and the other setback shall be at least twenty feet.

(Ord. 2003-11 § 5, Ord. 1569: Ord. 1555: prior code § 8156(g): Ord. 1406).

84-38.1006 Yard—Rear.

There shall be a rear yard of at least fifteen feet for any structure.

(Ord. 1569: Ord. 1555: prior code § 8156(i): Ord. 1406).

Article 84-38.12. Land Use and Variance Permits

84-38.1202 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-38.404 and variance permits to modify the provisions contained in Sections 84-38.602 through 84-38.1006 may be granted in accordance with Chapter 82-6.

(Ord. 1569: Ord. 1555: prior code § 8156(j): Ord. 1406).

Article 84-38.14 Rooster Keeping

84-38.1402 Standards.

(a) The minimum lot size on which to keep a rooster is five acres.

(b) No person may keep, maintain, or harbor more than two roosters on a lot except as part of, or in connection with, any of the following:

(1) Commercial poultry ranches registered with the California Department of Food and Agriculture and which primarily produce eggs or meat for commercial sale.

(2) Public or private schools registered with the California Department of Education.

(3) Projects sponsored by Future Farmers of America or other similar programs focused on youth agricultural education.

(4) Legitimate poultry hobbyists as approved in writing by the animal services director.

(c) In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article.

(Ord. No. 2018-06, § XVIII, 5-1-18)

Chapter 84-40 A-3 HEAVY AGRICULTURAL DISTRICT

Article 84-40.2. General

84-40.202 General provisions.

All land within an A-3 heavy agricultural district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1569: prior code § 8157 (part): Ord. 1241).

Article 84-40.4. Uses

84-40.402 Uses—Permitted.

Uses permitted in the A-3 district shall be all the uses designated for the A-2 district in Section 84-38.402 of this code.

(Ords. 2006-19 § 5, 1569, 1535; prior code § 8157(a): Ord. 1241).

84-40.404 Uses with land use permit.

The following uses may be allowed in an A-3 district on the issuance of a land use permit:

(1) All allowed uses listed in Section 84-38.404, except livestock auction and sales yards.

(2) Processing of milk not produced on the premises.

(3) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(Ord. No. 2018-18, § 5, 6-26-18; Ords. 2003-11 § 6, 94-28 § 3, 74-37 § 3, 1569 § 24, 1535 § 4; prior code § 8157(b): Ords. 1241 § 2 [382 § 4(X)]).

84-40.406 Uses—Refuse disposal site—Permit required.

Refuse disposal sites are permitted in the A-3 district upon the issuance of a permit under the provisions of Chapter 418-4.

(Ord. 72-89 § 3, 1972).

Article 84-40.6. Lots

84-40.602 Lot—Area.

No agricultural pursuit shall be permitted and no structure permitted in the A-3 district shall be erected or placed on a lot smaller than ten acres, except that poultry raising, raising of grain-fed rodents, berry farming, greenhouses and nurseries, mushrooms rooms, fur farms, aviaries, and apiaries may be permitted on a lot at least two and one-half acres in area.

(Ord. 1569: prior code § 8157(c): Ord. 1241).

84-40.604 Lot—Width.

No agricultural pursuit shall be permitted and no structure permitted in the A-3 district shall be erected or placed on a lot less than one hundred forty feet in average width.

(Ord. 1569: prior code § 8157(d): Ord. 1241).

84-40.606 Lot—Depth.

There shall be no minimum lot depth in the A-3 district.

(Ord. 1569: prior code § 8157(e): Ord. 1241).

Article 84-40.8. Building Height

84-40.802 Building height—Maximum.

(a) Except as provided in subsection (b) of this section, there shall be no maximum building or structure height in the A-3 district.

(b) No residential structure or building permitted in an A-3 district shall exceed two and one-half stories or thirty-five feet in height, whichever is greater.

(Ords. 2006-19 § 6, 1569: prior code § 8157(f): Ord. 1241).

Article 84-40.10. Yards

84-40.1002 Yard—Side.

No side yards shall be less than twenty-five feet wide; barns, stables, and other buildings or structures used to house livestock, grain-fed rodents, or poultry shall be at least fifty feet from the boundary line of any residential land use district.

(Ord. 1569: prior code § 8157(g): Ord. 1241).

84-40.1004 Yard—Setback.

There shall be a setback (front yard) of at least twenty-five feet for any building or structure.

(Prior code § 8157(h): Ord. 1241).

84-40.1006 Yard—Rear.

There shall be a setback of at least twenty-five feet for any building or structure.

(Prior code § 8157(i): Ord. 1241).

Article 84-40.12. Land Use and Variance Permits

84-40.1202 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-40.404 and variance permits to modify the provisions contained in Sections 84-40.602 through 84-40.1006 may be granted in accordance with this Chapter 82-6.

(Ord. 1569: prior code § 8157(j): Ord. 1241).

Article 84-40.14 Rooster Keeping

84-40.1402 Standards.

Rooster keeping standards for the A-3 district shall be the same as those for the A-2 district (Section 84-38.1402).

(Ord. No. 2018-06, § XIX, 5-1-18)

Chapter 84-42 A-4 AGRICULTURAL PRESERVE DISTRICT

Article 84-42.2. General

84-42.202 General provisions.

All lands within an A-4 agricultural preserve district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 68-54 § 1 (part), 1968: prior code § 8169 (part)).

84-42.204 Intent and purpose.

This land use district is intended to provide areas that provide primarily for the commercial production of food and fibre and other compatible uses consistent with the intent and purpose of the Land Conservation Act of 1965.

(Ord. 68-54 § 1 (part), 1968: prior code § 8169 (part)).

Article 82-42.4. Uses

84-42.402 Uses—Permitted.

The following uses are allowed in an A-4 district:

(1) All types of commercial, agricultural production, including general farming, wholesale horticulture and floriculture, livestock production, aviaries, apiaries, forestry and similar agricultural uses, excepting those uses requiring a permit in Section 84-42.404.

(2) Those agricultural and compatible uses specifically agreed upon between the county and the landowner at the time of entering into the agreement and designated in writing within the agreement.

(3) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24, provided a land use permit has been obtained pursuant to Section 84-42.404 for the detached single-family dwelling on the parcel.

(4) A grower stand or farm stand.

(5) A farmworker dwelling.

(6) Farmworker housing complex.

(Ord. No. 2020-01, § XI, 1-21-20; Ord. No. 2017-14, § XI, 9-19-17; Ords. 2007-23 § 5, 2006-19 § 7, 68-54 § 1 (part), 1968: prior code § 8169(a)).

84-42.404 Uses—Requiring land use permit.

The following uses may be allowed in an A-4 district on the issuance of a land use permit:

(1) Related commercial agricultural uses including the erection or modification of sheds, warehouses, granaries, hullers, dryers, fruit and vegetable packing and buildings for the storage of agricultural products and equipment.

(2) A farm market.

(3) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it. In no event shall any residential structure be permitted to be built or additional residential structure be erected on less than forty acres per unit for non-prime agricultural land, or less than ten acres per unit of the agricultural land. A separate land use permit is required for one additional single-family dwelling on the parcel.

(4) Wholesale nurseries and greenhouses.

(5) Hog ranches.

(6) Dairying.

(7) Fur farms.

(8) Livestock and feed yards.

(9) Poultry raising.

(10) Commercial fish farming.

(11) Commercial kitchens or other facilities for creating value-added farm products.

(12) Canneries.

(13) Mushroom houses.

(14) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

(15) Those uses described in Government Code Section 51201(e).

(16) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(17) Farmworker housing center.

(Ord. No. 2024-06, § 5, 3-5-24; Ord. No. 2017-14, § XII, 9-19-17; Ord. No. 2013-12, § VII, 4-16-13; Ords. 2007-23 § 6, 2006-19 § 8, 2003-12 § 2, 86-61 § 3, 84-24 § 3, 68-54 § 1 (part), 1968: prior code § 8169(b)).

Article 84-42.6. Parcels

84-42.602 Parcel size.

Unless otherwise permitted in accordance with Section 84-42.402(2), no structure permitted in this district shall be placed or erected upon a parcel smaller than forty acres of non-prime agricultural land, or upon a parcel smaller than ten acres of prime agricultural land, where the parcel size otherwise meets the minimum density for the general plan land use designation. As used in this chapter, prime agricultural land has the meaning ascribed to it in Section 810-2.407.

(Gov. Code, § 51222; Ords. 2003-12, § 3, 68-54 § 1 (part), 1968: prior code § 8169(c)).

84-42.604 Parcel—Width.

No agricultural pursuit shall be permitted, and no structure permitted in the A-4 district shall be erected or placed on a lot less than three hundred feet in average width.

(Ord. 68-54 § 1 (part), 1968: prior code § 8169(d)).

Article 84-42.8. Lots

84-42.802 Lot—Depth.

No agricultural pursuit shall be permitted, nor shall any structure or use herein permitted be erected, placed, or established on a lot less than three hundred feet deep.

(Ord. 68-54 § 1 (part), 1968: prior code § 8169(e)).

Article 84-42.10. Building Height

84-42.1002 Building height—Maximum.

(a) Except as provided in subsection (b) of this section, there shall be no maximum building or structure height in the A-4 district.

(b) No residential structure or building permitted in an A-4 district shall exceed two and one-half stories or thirty-five feet in height, whichever is greater.

(Ords. 2006-19 § 9, 68-54 § 1 (part), 1968: prior code § 8169(f)).

Article 84-42.12. Yards

84-42.1202 Yard—Side.

No side yard shall be less than fifty feet in width; barns, stables, and other buildings or structures used to house livestock, grain-fed rodents, or poultry shall be at least fifty feet from the boundary line of any residential land use district.

(Ord. 68-54 § 1 (part), 1968: prior code § 8169(g)).

84-42.1204 Yard—Setback.

There shall be a setback (front yard) of at least fifty feet for any building or structure.

(Ord. 68-54 § 1 (part), 1968: prior code § 8169(h)).

84-42.1206 Yard—Rear.

There shall be a rear yard of at least twenty-five feet for any building or structure.

(Ord. 68-54 § 1 (part), 1968: prior code § 8169(i)).

Article 84-42.14. Land Use and Variance Permits

84-42.1402 Land use and variance permits—Granting.

Land use permits for the special uses enumerated in Section 84-42.404 and variance permits to modify the provisions contained in Sections 84-42.602 — 84-42.1206 may be granted in accordance with Chapter 82-6.

(Ord. 68-54 § 1 (part), 1968: prior code § 8169(j)).

Article 84-42.16 Rooster Keeping

84-42.1602 Standards.

Rooster keeping standards for the A-4 district shall be the same as those for the A-2 district (Section 84-38.1402).

(Ord. No. 2018-06, § XX, 5-1-18)

Chapter 84-44 O-1 LIMITED OFFICE DISTRICT

Article 84-44.2. General

84-44.202 General provisions.

All land within an O-1 limited office district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1883: prior code § 8157.5 (part)).

Article 84-44.4. Uses

84-44.402 Use—Permitted.

The following uses are permitted provided that no merchandise is stored, handled, displayed or sold on the premises:

(1) Professional offices such as those pertaining to, but not limited to, the practice of law, architecture, dentistry, medicine, engineering and accounting;

(2) Administrative, executive and editorial offices;

(3) Business offices for insurance, real estate and investment brokers or representatives.

(Ords. 76-75 § 4 (part), 1883: prior code § 8157.5(a)).

84-44.404 Use—Requiring land use permit.

In the O-1 district the following uses are permitted upon the issuance of a land use permit:

(1) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and boarding homes.

(2) Churches, religious institutions, and parochial and private schools.

(3) Community buildings, clubs, and activities of a quasi-public, social, fraternal or recreational character, such as golf, tennis and swimming clubs; veterans' and fraternal organizations not organized for monetary profit.

(4) Publicly owned buildings and structures, except as provided in Division 82.

(5) Studios and galleries for arts and crafts, music and dance, and photography.

(6) Commercial radio and television receiving and transmitting facilities; broadcasting studios or business offices; home cablevision facilities, including repair shops, storage areas, and equipment parking space necessary for operation and maintenance of the system.

(7) Drug and prescription sales accessory to a medical office or clinic providing such use is definitely incidental to the primary use and is not visible from the street.

(8) Animal hospital.

(9) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(Ords. 76-75 § 4 (part), 71-95 § 1, 71-55 § 1, 1883: prior code § 8157.5(b)).

(Ord. No. 2022-37, § X, 12-6-22)

Article 84-44.6. Lots

84-44.602 Lot—Area.

No building or structure permitted in the O-1 district shall be erected or placed on a lot having less than fifteen thousand square feet.

(Ord. 1883: prior code § 8157.5(c)).

84-44.604 Lot—Width.

No building or structure permitted in the O-1 district shall be erected or placed on a lot having less than one hundred feet in average width.

(Ord. 1883: prior code § 8157.5(d)).

84-44.606 Lot—Depth.

No building or structure permitted in the O-1 district shall be erected or placed on a lot having less than ninety feet in depth.

(Ord. 1883: prior code § 8157.5(e)).

84-44.608 Lot—Coverage.

No buildings or structures permitted in the O-1 district shall cover more than thirty-five percent of the lot area.

(Ord. 1883: prior code § 8157.5(l)).

Article 84-44.8. Building Height

84-44.802 Building height—Maximum.

No building or structure permitted in the O-1 district shall exceed two and one-half stories or thirty-five feet in height.

(Ord. 1883: prior code § 8157.5(f)).

Article 84-44.10. Yards

84-44.1002 Yard—Side.

There shall be an aggregate side yard width of at least fifteen feet with no single side yard being less than five feet in width, except that when a side yard abuts a residential land use district, it shall then have a minimum width of fifteen feet with a minimum of five-foot width on the other side.

(Ord. 1883: prior code § 8157.5(g)).

84-44.1004 Yard—Setback.

There shall be a setback (front yard) of at least twenty feet for any building or structure in the O-1 district; on corner lots, the principal frontage of the lot shall have a setback of at least twenty feet and the other setback shall be at least fifteen feet.

(Ord. 1883: prior code § 8157.5(h)).

84-44.1006 Yard—Rear.

Rear yard provisions for the O-1 district shall be the same as those for the R-6 district (84-4.1006).

(Ord. 1883: prior code § 8157.5(i)).

Article 84-44.12. Off-Street Parking

84-44.1202 Off-street parking—Space requirements.

One automobile storage space shall be provided on the same lot or parcel for each two hundred square feet of floor area of building, except that for medical and dental offices, a minimum of five automobile storage spaces shall be provided on the same lot or parcel for each full-time doctor.

(Ord. 1883: prior code § 8157.5(j)).

Article 84-44.14. Building Size

84-44.1402 Building size—Gross floor area.

No building in the O-1 district shall have a gross floor area exceeding fifteen thousand square feet.

(Ord. 1883: prior code § 8157.5(k)).

Article 84-44.16. Open Area

84-44.1602 Open area—General provisions.

Twenty-five percent of the parcel shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent of this twenty-five (open area) shall be planted and maintained with growing plants.

(Ord. 1883: prior code § 8157.5(m)).

Article 84-44.18. Signs

84-44.1802 Sign—Restrictions.

One sign per parcel having a maximum size of ten square feet shall be permitted. No sign shall rotate, flash, or animate. No sign shall exceed the height of the roof eave line or twenty feet, whichever is lowest. No sign shall face a residential land use district which may be abutting the subject parcel. No freestanding signs are to be permitted.

(Ords. 74-51, 1883; prior code § 8157.5(n)).

Article 84-44.20. Site Plan and Elevations

84-44.2002 Site plan and elevation—Scale drawing.

All developments proposed on the O-1 district shall submit an application to gain approval of the site plan and elevations. The application shall include drawings drawn to scale indicating the same data required for the M-4 district (Section 84-30.2202) except for the deletion of "Amount of studio, one bedroom, two bedroom or other size apartment units." Reference to "zoning administrator" is changed to "board of adjustment" in final item.

(Ord. 1883: prior code § 8157.5(o)(1)).

84-44.2004 Site plan and elevation—Review and approval of application.

The board of adjustment shall review the site plan and elevations applications in public hearing under Chapter 26-2. In approving the application, the board of adjustment shall find that the application is consistent with the intent of the O-1 district and that it is compatible with other uses in the vicinity, both within and without the district. When any plan has been approved by the board of adjustment, it shall not thereafter be altered or changed except with the approval of the board of adjustment after reviewing the proposed alterations or changes. For the review the board of adjustment may schedule a public hearing under Chapter 26-2.

(Ord. 1883: prior code § 8157.5(o)(2)).

84-44.2006 Site plan and elevation—Imposition of conditions.

The board of adjustment may impose reasonable conditions and limitations in addition to the requirements listed in this chapter in order to further carry out and develop the intent and purpose of the O-1 district.

(Ord. 1883: prior code § 8157.5(o)(3)).

84-44.2008 Site plan and elevation—Rezoning to O-1 district.

An applicant requesting a change in zoning to the O-1 limited office district shall follow the procedure set forth for the M-4 district (Section 84-30.2208).

(Ord. 1883: prior code § 8157.5(o)(4)).

Article 84-44.22. Land Use and Variance Permits

84-44.2202 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-44.404 and variance permits contained in Sections 84-44.602 through 84-44.1802 may be granted in accordance with Chapter 82-6.

(Ord. 1883: prior code § 8157.5(p)).

Chapter 84-46 A-O ADMINISTRATIVE OFFICE DISTRICT

Article 84-46.2. General

84-46.202 General provisions.

All land within an administrative office district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1487: prior code § 8158 (part): Ord. 1050).

Article 84-46.4. Uses

84-46.402 Uses—Permitted.

Uses permitted in this district shall be as follows:

(1) Offices of an administrative, executive, professional, editorial, governmental or similar nature if no merchandise is handled for sale and no merchandising services are rendered except those incidental or accessory to the principal use;

(2) Research institutes and laboratories devoted to experimental study such as testing and analyzing. To insure that any testing and analyzing activities are not objectionable because of noise, dust, fumes, smoke, light, odor or air pollution, a land use permit shall be secured from the planning commission for any such use. Manufacturing shall not be permitted;

(3) Professional offices and laboratories such as medical-dental offices or the offices of lawyers, engineers or architects, if there are no retail sales. Prescription pharmacies but not drugstores are allowed in connection with medical-dental offices.

(Ord. 1487: prior code § 8158(a): Ord. 1050).

84-46.404 Use—Requiring land use permit.

In the A-O district the following uses are permitted upon the issuance of a land use permit:

(1) Hospitals, eleemosynary and philanthropic institutions and convalescent homes.

(Ord. 83-24§ 1).

Article 84-46.6. Lots

84-46.603 Area.

No building or structure shall be erected or placed on a lot having less than five acres.

(Ord. 75-1 § 1: § 84-46.602[l]: prior code § 8158(b): Ords. 1050, 1004).

84-46.605 Width.

No building or structure shall be erected or placed on a lot having less than three hundred fifty feet in average width.

(Ord. 75-1 § 1: § 84-46.602[2]: prior code § 8158(b): Ords. 1050, 1004).

84-46.607 Depth.

No building or structure shall be erected or placed on a lot having less than four hundred feet in average depth.

(Ord. 75-1 § 1: § 84-46.602[3]: prior code § 8158(b): Ords. 1050, 1004).

84-46.609 Coverage.

Not more than twenty-five percent of any lot's area shall be covered by buildings or structures.

(Ord. 75-1 § 1: § 84-46.604: prior code § 8158(f): Ords. 1050, 1004).

Article 84-46.8. Building Height

84-46.802 Maximum.

No building or structure or part of it hereafter erected or moved on a lot or building site in this district shall exceed thirty-five feet above the average finished ground level at the center of all walls of the building.

(Ord. 75-1 § 2: prior code § 8158(c): Ords. 1050, 1004).

Article 84-46.10. Yards

84-46.1001 Side.

There shall be a minimum side yard width of at least fifty feet on each side.

(Ord. 75-1 § 3: § 84-46.1002: prior code § 8158(d): Ords. 1050, 1004).

84-46.1003 Rear.

There shall be a minimum rear yard width of at least fifty feet.

(Ord. 75-1 § 3: § 84-46.1002: prior code § 8158(d): Ords. 1050, 1004).

84-46.1004 Setback.

Every building or structure erected in this district shall be at least seventy-five feet from the boundary line of any public road or highway.

(Ord. 75-1 § 3: prior code § 8158(e): Ords. 1050, 1004).

Article 84-46.12. Off-Street Parking

84-46.1202 General provisions.

One parking space of adequate size, shape and location for one passenger automobile is required for every two hundred square feet of floor area.

(Ord. 75-1 § 4: prior code § 8158(g)(2): Ords. 1050, 1004).

Article 84-46.14. Signs

84-46.1402 Restrictions.

One sign having a maximum size of thirty-five square feet shall be permitted. No sign shall rotate, flash or animate. No sign shall exceed the height of the roof eave line or twenty feet, whichever is lower. No sign shall face a residential land use district which may be abutting the subject lot.

(Ord. 75-1 § 5: prior code § 8158(g)(2): Ords. 1050, 1004).

Article 84-46.16. Development Plans

84-46.1603 Requirement.

No development is lawful in an A-O district until a development plan for it has been submitted to and approved by the zoning administrator.

(Ord. 75-1 § 6: § 84-46.1602: prior code § 8158(g)(3): Ords. 1050, 1004).

84-46.1605 Application.

All applications for development plan approval shall include scale drawings indicating the following:

(1) Topography;

(2) A boundary survey of the site;

(3) All existing and proposed structures, and the height of each structure;

(4) Planting and landscaping areas;

(5) Automobile parking areas;

(6) Vehicular and pedestrian ways, with grades, widths and type of proposed improvements;

(7) Ingress and egress points for the site;

(8) Existing and proposed utilities;

(9) Recreational facilities, if any;

(10) Surface drainage conditions and outlets;

(11) Building elevations indicating architectural type;

(12) Additional information as may be required by the zoning administrator including a statement of how the proposed plan is consistent with, and will further the goals and objectives of the general plan including, but not limited to, its community facilities element.

(Ords. 85-56 § 5, 75-1 § 6: prior code § 8158(g)(3): Ords. 1050, 1004).

84-46.1607 Review, approval, changes, conditions.

(a) Review. The zoning administrator shall review development plan applications, for approval, modification or denial, in public hearing pursuant to and otherwise regulated by the land use permit provisions of Chapter 26.2.

(b) Approval. In approving the application, ~~he~~the zoning administrator shall find that it is consistent with the purpose of this district and that it is compatible with other uses in the vicinity, whether inside or outside the district.

(c) Changes. When any plan has been approved by the zoning administrator, it shall not thereafter be changed except with the zoning administrator's~~his~~ approval after review, for which the zoning administrator~~he~~ may schedule a public hearing.

(d) Conditions. The zoning administrator may impose reasonable conditions and limitations, in addition to the requirements in this chapter, to carry out the purpose of this district.

(Ord. 75-1 § 6: § 84-46.1602: prior code § 8158(g)(3): Ords. 1050, 1004 §§ 1, 2).

Article 84-46.17. Open Area

84-46.1702 General.

At least twenty-five percent of every lot's area shall not be occupied by buildings, structures or pavement, but shall be landscaped as provided in this article. At least seventy-five percent of the twenty-five percent open area required by this section (at least eighteen and seventy-five one-hundredths percent of total area of every lot) shall be planted and maintained with growing plants.

(Ord. 75-1 § 7: §§ 84-46.1002, 84-46.1202: prior code § 8158(d), (g)(1): Ords. 1050, 1004).

Article 84-46.18. Variances

84-46.1802 Procedure.

Variances from any of the regulations in Articles 84-46.6 through 84-46.14 and 84-46.17 of this chapter may be granted as provided in Section 26-2.1204 and related procedural provisions.

(Ord. 75-1 § 8: prior code § 8158(h): Ord. 1487).

Chapter 84-48 INTERCHANGE TRANSITIONAL DISTRICT

Article 84-48.2. General

84-48.202 General provisions.

All land within the district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5 (part)).

84-48.204 Intent and purpose—Designated.

Acquisition for highway interchanges have and may continue to leave parcels of land that may create difficult problems requiring solutions that provide the fullest possible agreement with the policies and goals of the general plan. This interchange transitional district is provided in order to establish a range of land uses from which may be selected one or several that would, through the application of exceptional or extraordinary design, develop the greatest number of compatibility factors and minimize or eliminate detrimental land use relationships. It is intended that this district shall have application only within the area of highway interchanges and their approaches, and then only when the above is clearly evident and found to exist by the planning agency.

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(a)).

Article 84-48.4. Uses

84-48.402 Use—Permitted.

Uses permitted in this district shall be the same as those for the R-6 district (84-4.402).

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(b)).

84-48.404 Use—Subject to site plan and elevations review.

Uses permitted, subject to site plan and elevations review by the zoning administrator, shall be as follows:

(1) Hospitals, eleemosynary and philanthropic institutions, and convalescent homes;

(2) Churches, religious institutions, and parochial and private schools, including nursery schools;

(3) Community buildings, clubs, and activities of a quasi-public social, fraternal or recreational character, such as golf, tennis and swimming clubs; veterans' and fraternal organizations not organized for monetary profit;

(4) Commercial nurseries;

(5) Publicly-owned buildings and structures except as provided in Division 82;

(6) Commercial radio and television receiving and transmitting facilities, including broadcasting studios or business offices;

(7) Hotel or motel;

(8) Two-family detached dwelling;

(9) Professional offices such as those pertaining to, but not limited to, the practice of law, architecture, dentistry, medicine, engineering and accounting;

(10) Administrative, executive and editorial offices;

(11) Business offices for insurance, real estate and investment brokers or representatives.

(Ord. No. 2013-12, § VIII, 4-16-13; Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(c)).

84-48.406 Use—Requiring land use permit.

In this district the following uses are permitted upon the issuance of a land use permit by the board of adjustment:

(1) Service station when designed as an accessory to and an integrated part of a motel or hotel complex;

(2) Restaurant, when designed as an accessory to and an integrated part of a motel, hotel or office complex;

(3) Drug and prescription sales when designed as an accessory to and an integrated part of a medical office, hospital or clinic providing such use is not visible from any street;

(4) Animal hospitals.

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(d)).

Article 84-48.6. Lots

84-48.602 Lot—Area.

Lot area provisions for this district shall be the same as those for the R-10 district (Section 84-8.602).

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(e)).

84-48.604 Lot—Width.

Lot width provisions for this district shall be the same as those for the R-12 district (Section 84-10.604).

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(f).

84-48.606 Lot—Coverage.

Lot coverage provisions for this district shall be the same as those for the O-1 district (Section 84-44.608).

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(k)).

Article 84-48.8. Building Height

84-48.802 Building height—Maximum.

No building or structure permitted in this district shall exceed twenty-five feet in height.

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(g)).

Article 84-48.10. Yards

84-48.1002 Yard—Side.

Side yard provisions for this district shall be the same as those for the O-1 district (Section 84-44.1002).

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(h)).

84-48.1004 Yard—Setback.

There shall be a setback (front yard) of at least twenty feet for any building or structure in this district.

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(i)).

84-48.1006 Yard—Rear.

Rear yard provisions for this district shall be the same as those for the R-6 district (Section 84-4.1006).

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(j)).

Article 84-48.12. Open Area

84-48.1202 Open area—General provisions.

Open area provisions for this district shall be the same as those for the O-1 district (Section 84-44.1602).

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(1)).

Article 84-48.14. Signs

84-48.1402 Sign—Restrictions.

One sign per parcel having a maximum size of twenty-five square feet shall be permitted. No sign shall rotate, flash, or animate. No sign shall exceed the height of the roof eave line or twenty-five feet, whichever is the lowest. No sign shall face a residential land use district which may be abutting the subject parcel.

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(m)).

Article 84-48.16. Site Plan and Elevations

84-48.1602 Site plan and elevation—Scale drawing.

All developments proposed in this district, except as listed in Section 84-48.402 shall submit an application to gain approval of the site plan and elevations. The application shall include drawings drawn to scale indicating the data required for the M-4 district (Section 84-30.2202) except for the deletion of "Amount of studio, one bedroom, two bedroom or other size apartment units." Reference to "zoning administrator" is changed to "board of adjustment" in final item.

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(n)(1)).

84-48.1604 Site plan and elevation—Review and approval of application.

The zoning administrator shall review the site plan and elevations applications as set forth in Section 84-30.2204 for the M-4 district.

(Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(n)(2)).

84-48.1606 Site plan and elevation—Imposition of conditions.

Reasonable conditions may be imposed as set forth in Section 84-30.2206 for the M-4 district (Ord. 67-43 § 1 (part), 1967: prior code § 8158.5(n)(3)).

84-48.1608 Site plan and elevation—Rezoning to the interchange transitional district.

An applicant requesting a change in zoning to interchange transitional district shall follow the procedure set forth for the M-4 district (Section 84-30.2208).

(Ord. 67-43 § 1 (part), 1967: prior code § 8158. 5(n)(4)).

Article 84-48.18. Site Plan, Land Use, and Variance Permit

84-48.1802 Site plan, land use, and variance permit—Granting.

Site plan permits for the uses enumerated in Section 84-48.404 land use permits for the special uses enumerated in Section 84-48.406 and variance permits to modify the provisions of Sections 84-48.602 — 84-48.1402 may be granted in accordance with Chapter 82-6.

(Ord. 67-43 § 1 (part), 1967: prior code § 8 158.5(o)).

Chapter 84-49 C-B COMMUNITY BUSINESS DISTRICT A

Article 84-49.2. General

84-49.202 Generally.

All land within a C-B community business district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 77-102).

84-49.204 Purposes.

The purposes of this chapter's regulations are to enhance and stabilize the retail sales and personal services activities within central areas and to foster development of ever more attractive, higher quality retail shopping areas, creating more concentrated, easily accessible retail shopping and personal services central areas for the benefit of businesses and consumers alike.

(Ord. 77-102).

Article 84-49.4. Uses

84-49.402 Allowed uses.

Uses allowed in the C-B district shall be those uses allowed in the O-1 limited office district (Section 84-44.402), plus the carrying on of retail business if all its sales, demonstrations, displays, services and other activities are conducted within an enclosed building, except that unenclosed off-street parking is allowed.

(Ord. 77-102).

84-49.404 Uses with land use permit.

In the C-B district the following uses may be permitted by the issuance of a land use permit:

(1) Animal hospital;

(2) Auto garage which includes body repair and painting;

(3) Structures having one or more residential units;

(4) Other retail businesses where the sales, demonstrations, displays, services and other related activities, or some of them, are conducted other than in an enclosed building.

(Ord. 77-102).

Article 84-49.6. Lots

84-49.602 Area.

No building or structure shall be erected or placed on a lot of less than five thousand square feet.

(Ord. 77-102).

84-49.604 Width.

No building or structure shall be erected or placed on a lot of less than fifty feet in average width.

(Ord. 77-102).

84-49.606 Depth.

No building or structure shall be erected or placed on a lot of less than ninety feet in average depth.

(Ord. 77-102).

Article 84-49.8. Building Height

84-49.802 Maximum.

No building or structure or part of it hereafter erected or moved on a lot or building site in this district shall exceed thirty-five feet above the average existing natural ground level at the center of all walls of the building.

(Ord. 77-102).

Article 84-49.10. Yards

84-49.1002 Side.

No side yards are required except a minimum of ten feet abutting a residential district.

(Ord. 77-102).

84-49.1004 Rear.

No rear yards are required except a minimum of fifteen feet abutting a residential district.

(Ord. 77-102).

84-49.1006 Setback.

No setbacks (front yards) are required.

(Ord. 77-102).

Article 84-49.12. Off-street Parking

84-49.1202 Requirements.

Off-street parking shall be provided as required by Chapter 82-16.

(Ord. 77-102).

Article 84-49.14. Signs

84-49.1402 Requirements.

Signs are allowed in this district only as authorized and approved in accordance with Chapter 88-8.

(Ord. 77-102).

Article 84-49.16. Open Area

84-49.1602 Requirements.

Maximum feasible landscaping shall be provided in this district consistent with applicable off-street parking requirements.

(Ord. 77-102).

Article 84-49.18. Development Plans

84-49.1802 Requirements.

No development is lawful in this district until a development plan for it has been submitted and approved pursuant to Article 84-50.16. Scale drawings indicating soils and geological information shall be included as part of the application for development plan approval.

(Ord. 77-102).

Article 84-49.20. Land Use and Variance Permits

84-49.2002 Granting.

Land use permits for the special uses enumerated in Section 84-49.404 and variance permits to modify the provisions contained in Sections 84-49.602 through 84-49.802, 84-49.1202, and 84-49.1402 may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. 77-102).

Chapter 84-50 N-B NEIGHBORHOOD BUSINESS DISTRICT

Article 84-50.2. General

84-50.202 General provisions.

All land within an N-B neighborhood business district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159 (part): Ord. 937: Ord. 479).

Article 84-50.4. Uses

84-50.402 Uses—Permitted.

(a) Uses permitted in the N-B district shall be those uses for the carrying on of a neighborhood business, which is the barter, sale or exchange, to the consumer, of goods and services necessary for the day-to-day maintenance of a family. Neighborhood business uses shall be maintained and conducted wholly within enclosed buildings, except that areas set aside for the temporary parking of patrons' vehicles need not be enclosed.

(b) Permitted uses shall include the following and other of like character:

(1) Bakery goods shops;

(2) Barber and beauty shops;

(3) Delicatessen shops;

(4) Drugstores;

(5) Grocery stores;

(6) Laundry and cleaning agencies and press shops;

(7) Meat markets;

(8) Variety stores;

(9) Shoe repair shops;

(10) Professional offices; and

(11) Real estate offices.

(Ord. No. 2022-03, § IX, 5-24-22; Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(a): Ord. 937: Ord. 479).

84-50.404 Uses—Requiring land use permit.

In the N-B district, the following uses are permitted after the issuance of a land use permit:

(1) Structure having three or more residential apartment units;

(2) Gasoline service stations;

(3) Reserved;

(4) Where a road, having a right-of-way width of 55 feet or less, forms the common boundary between a district of this classification and a district of any residential classification, no access to property in the district of this classification adjacent to such common boundary shall be permitted to or from such road until a land use permit therefor has been obtained. The permit will be determined by the effects of traffic upon such a road occasioned by use within such district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic, and other considerations found pertinent to the particular area concerned.

(Ord. No. 2022-03, § X, 5-24-22; Ord. 67-27 § 1, 1967: Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(b): Ord. 937: Ord. 479).

Article 84-50.6. Lots

84-50.602 Lot—Area.

All buildings or parts of buildings hereafter erected or altered for use for neighborhood business shall be situated on a lot at least thirty-five hundred square feet in area, and at least thirty-five feet in average width.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(c): Ord. 937: Ord. 479).

Article 84-50.8. Building Height

84-50.802 Building height—Maximum.

No building or structure or part of it hereafter erected for a neighborhood business use shall be more than fifty feet high above the highest point of ground elevation on the lot on which the building is erected.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(d): Ord. 937: Ord. 479).

Article 84-50.10. Yards

84-50.1002 Yard—Side.

No side yards are required.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(c): Ord. 937: Ord. 479).

84-50.1004 Yard—Setback.

Every structure erected for neighborhood business use and every structure accessory to it shall be located at least twenty-five feet from the boundary line of any existing public road or highway.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(f): Ord. 937: Ord. 479).

Article 84-50.12. Land Use and Variance Permits

84-50.1202 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-50.402 and variance permits to modify the provisions contained in Sections 84-50.602, 84-50.802 and 84-50.1004 may be granted after application in accordance with Chapter 82-6.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(g): Ord. 937: Ord. 479).

Article 84-50.14. Planned District

84-50.1402 Planned district—Purpose.

When the board of supervisors finds, after proceedings for the precise zoning of an area have been taken by the planning commission, that one or more contiguous parcels of land are in a location and contain an area of size and shape adequate to provide neighborhood facilities needed to serve adjoining districts, these parcels may be established as a planned neighborhood business district. The purpose of a planned neighborhood business district is to provide an integrated plan for location of and proper relationships between buildings, control of area and height of buildings, adequate off-street parking, loading facilities, limitation of land uses, and locations of access for pedestrian and vehicular traffic, including ingress to and egress from public streets or ways or from any parcel to the other parcels, in order to provide overall arrangements for shopping facilities best suited to the public use. A planned neighborhood business district is to be established and developed with that purpose in mind, as provided in Sections 84-50.1404 — 84-50.1418.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h) (part): Ord. 937: Ord. 479).

84-50.1404 Planned district—Enlarged detailed map.

An enlarged detailed map shall be made a part of the zoning ordinance of this county, designating the parcel or parcels included on it as a planned neighborhood business district. The map shall delineate locations of access, sites for the placement of buildings and spaces about buildings, and off-street parking areas integrated for the district as a whole.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h)(l): Ord. 937: Ord. 479).

84-50.1406 Planned district—Erection of buildings.

Buildings may be erected within the sites shown on the enlarged detailed map, but may not exceed in area one-fourth of the total area of the parcel on which the buildings are erected, except that a variance permit to modify this provision may be given by the zoning administrator. The owner of the parcel may erect buildings up to the full one-fourth of total areas but no owner shall subdivide any parcel by selling or conveying any part of the parcel if either the part remaining or any part sold or conveyed contains buildings in excess of one-fourth of the total area: in addition to any other remedy available to parties interested for the violation of this provision, no building permit shall be issued to any person for construction of any building on any part of the subdivided parcel until all parts of the parcel in separate ownerships satisfy the building area limitations of this section. "Building," as used in this section, includes service station pump islands, open or covered storage areas, covered ground floor or multi-storied parking facilities, but does not include covered porches, walkways, colonnades, porticos, peristyles, breezeways, and other structures of similar design and purpose, provided that the areas within such structures are

not intended or used for the storage of chattels, the sale of goods or merchandise or the carrying on of any other commercial activity.

(Ord. 67-29 § 1, 1967: Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h)(2): Ord. 937: Ord. 479).

84-50.1408 Planned district—Vehicular access.

Vehicular access from public streets to parcels and from one parcel to another shall occur only at the locations indicated on the enlarged detailed map.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h)(3): Ord. 937: Ord. 479).

84-50.1410 Planned district—Areas on which no building is erected.

Areas of any parcel in a planned neighborhood business district on which no building is erected may be used for the following uses and purposes, except that there shall not be obstructions of locations of access other than legally required to prevent acquisition by adverse possession or prescription: walks, drives, curbs, gutters, parking areas, utility structures, light poles, sign poles and signs, and landscaping features. Within areas on which no building is erected at least two and one-half square feet of parking space must be made available for each one square foot of area occupied by buildings on the same parcel; this ratio may be reduced by land use permit to not less than one and one-half square feet of parking space for each one square foot of building area occupied by buildings on the same parcel, when the public body issuing the land use permit finds:

(1) That the reduction will not be contrary to the intent or the purpose of Section 84-50.1402 — 84-50.1418 or contrary to the public interest, safety, health, and welfare;

(2) That because of special conditions or exceptional characteristics of the parcel or its location or surroundings, adherence to the exact limitations of Section 84-50.1402 — 84-50.1418 would be unreasonable;

(3) That reduction of parking area will not impair the integrated plan for shopping facilities in the planned neighborhood business district.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h)(4): Ord. 937: Ord. 479).

84-50.1412 Planned district—Height provisions.

Anything in Section 82-2.008 notwithstanding, no building or part of it located in a planned neighborhood business district shall be more than two stories nor more than thirty feet high to top-plate of the building, and no structure other than a building, including signs, shall be higher than any building on the same parcel. Signs not attached to any building may have a height not greater than twenty-five feet. The foregoing limitations shall not affect public utilities structures and television antennae.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h)(5): Ord. 937: Ord. 479).

84-50.1414 Planned district—Permitted uses.

Uses allowed in a planned neighborhood business district shall be those allowed in an R-B retail business district and the N-B neighborhood business district except the following which shall not be allowed:

(1) Residential uses including hotels and motels, except living accommodations of an accessory nature;

(2) Nonaccessory signs;

(3) Roof signs, except gasoline service station signs attached to pump islands or pump island canopies;

(4) Cabinet shops, animal hospitals or kennels, animal or poultry husbandry, granaries, dehydration plants, wineries, canneries, agricultural warehouses, sheet metal shops, pawn shops, mortuaries, cemeteries, or crematoriums, and lumber yards;

(6) Those business uses which are not maintained and conducted wholly within enclosed buildings.

(Ord. 72-57 § 1, 1972; Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h)(6): Ord. 937: Ord. 479).

84-50.1415 Planned district—Uses allowable by land use permit.

In the N-B district the following uses are allowable by land use permit: Plant nurseries and amusement establishments.

(Ord. 72-57 § 2, 1972: prior code § 8159(h)(6½)).

84-50.1416 Planned district—Land use permits.

Land use permits for the modification of the enlarged detailed map may be granted only after the owner of the property involved has made application in accordance with applicable county regulations; modifications must be consistent with the purposes and intent of Section 84-50.1402 — 84-50.1418.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h)(7): Ord. 937: Ord. 479).

84-50.1418 Planned district—Plans—Approval.

Plans for building and site development of any parcel shall be submitted to the building inspector by the owner of the parcel with the owner's application for any building permit.

Plans shall show, among other things, grades and contours on that and adjoining parcels and shall provide for loading facilities separate from public entrances to any building. The plans shall be referred by the building inspector to the planning department with the building inspector's request for an approval as to zoning. The planning department shall approve the plans if they provide reasonable loading facilities, conform with the enlarged detailed map, and are consistent with the purposes and intent of Section 84-50.1402 — 84-50.1418. Disputes arising under this section shall be referred to the board of adjustment for administration.

(Ord. 1781: Ord. 1721: Ord. 1569: prior code § 8159(h)(8): Ord. 937: Ord. 479).

Article 84-50.16. Development Plans

84-50.1602 Development plan required.

No development is lawful in an N-B district until a development plan for it has been submitted to and approved by the zoning administrator.

(Ord. 74-36 § 1).

84-50.1604 Application.

All applications for development plan approval shall include scale drawings indicating the following:

(1) Topography;

(2) A boundary survey of the site;

(3) All existing and proposed structures, and the height and number of dwelling units in each;

(4) Planting and landscaping areas;

(5) Automobile parking areas;

(6) Vehicular and pedestrian ways with grades, widths, and type of proposed improvements;

(7) Ingress and egress points for the site;

(8) Existing and proposed utilities;

(9) Recreational facilities, if any;

(10) Surface drainage conditions and outlets;

(11) Building elevations indicating architectural type;

(12) Additional information as may be required by the zoning administrator including a statement of how the proposed plan is consistent with, and will further the goals and objectives of the general plan including, but not limited to, its community facilities element.

(Ords. 85-56 § 6, 73-36 § 1).

84-50.1606 Review, approval, changes conditions.

(a) Review. The zoning administrator shall review development plan applications, for approval, modification, or denial, in public hearing pursuant to and otherwise regulated by the land use permit provisions of Chapter 26-2.

(b) Approval. In approving the application, the zoning administrator~~he~~ shall find that it is consistent with the purpose of this district and that it is architecturally compatible with other uses in the vicinity, both inside and outside the district.

(c) Changes. When any plan has been approved by the zoning administrator, it shall not thereafter be changed except with the zoning administrator's~~his approval~~ after review, for which the zoning administrator~~he~~ may schedule a public hearing.

(d) Conditions. The zoning administrator may impose reasonable conditions and limitations in addition to the requirements listed in this article, to carry out the purpose of this district.

(Ord. 74-36 § 1).

84-50.1608 Rezoning to N-B district.

(a) An applicant for rezoning to an N-B district may submit simultaneously and in combination with the zoning application, or thereafter but before the board's final zoning decision, an application for approval of a development plan for the property.

(b) Such a development plan application shall be processed and noticed as are those matters designated to come before the zoning administrator, except that it shall be initially heard by the planning commission. The commission's decision shall be a recommendation to the board of supervisors which shall make the final decision on the development plan along with the rezoning.

(Ord. 74.36 § 1).

Chapter 84-52 R-B RETAIL BUSINESS DISTRICT

Article 84-52.2. General

84-52.202 General provisions.

All land within an R-B retail business district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 2011: Ord. 1985: Ord. 1781: Ord. 1569: prior code § 8160(part): Ord. 1046: Ord. 556: Ord. 382).

Article 84-52.4. Uses

84-52.402 Uses—Permitted.

Uses permitted in the R-B district shall be as follows:

(1) The carrying on of a retail business as defined in Section 82-4.216 provided all the sales, demonstrations, displays, services and other activities of the retail business are conducted within an enclosed building, except that off-street parking shall be permitted;

(2) All of the uses permitted in single-family and two-family residential districts together with the uses permitted in these districts after the granting of land use permits; and

(3) Hotels and motels.

(Ord. No. 2022-03, § XI, 5-24-22; Ord. 2011: Ord. 1985: Ord. 1781: Ord. 1569: prior code § 8160(a): Ord. 1046: Ord. 556: Ord. 382).

84-52.404 Uses—Requiring a land use permit.

In the R-B district the following uses are permitted after the issuance of a land use permit:

(1) Lumber yard;

(2) Cabinet shop;

(3) Sheet metal shop;

(4) Animal hospital;

(5) Commercial dog kennel;

(6) Hobby dog kennel;

(7) Auto garage which includes body repair and painting;

(8) Building contractor's yard;

(9) Structures having three or more residential apartment units. Minimum off-street parking requirements for apartment units shall be as required in Section 84-24.1202;

(10) Other retail businesses where the sales, demonstrations, displays, services and other activities, or some of them, are conducted other than in an enclosed building;

(11) Reserved;

(12) Reserved;

(13) Where a road, having a right-of way width of 55 feet or less, forms the common boundary between a district of this classification and a district of any residential classification, no access to property in the district of this classification adjacent to such common boundary shall be permitted to or from such road until a land use permit therefor has been obtained. The permit will be determined by the effects of traffic upon such a road occasioned by use within such district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic, and other considerations found pertinent to the particular area concerned;

(14) A manufacturing research use which is to be established in an existing fully enclosed building where no alterations, or a minimum amount of alterations, would be required to accommodate such use; and which wholly involves products of small bulk; and which meets the following standards:

(A) No smoke of any kind shall be permitted.

(B) No odors created by any industrial or processing operation shall be perceptible at the property site boundaries.

(C) No discharge into the air of any dust, dirt or particular matter, created by any industrial operation or emanating from any products prior to or subsequent to processing shall be permitted.

(D) No corrosive, obnoxious or toxic fumes or gases shall be permitted.

(E) No heat or glare shall be perceptible at any point beyond the subject boundaries.

(F) No manufacturing, processing or laboratory research shall be permitted which would create or establish an unusually special or dangerous fire or safety hazard to surrounding properties.

(G) No ground vibrations shall be perceptible at the property site boundaries.

(H) No emanation of noise exceeding seventy decibels at the boundaries of the property shall be permitted.

(I) All manufacturing, processing or research operations shall be conducted within enclosed buildings.

(J) All open storage areas shall be screened by solid walls, fences or adequate plantings of not less than six feet in height and in no case shall materials be stacked or stored higher than the screen.

(15) Single room occupancy facilities that meet the requirements of Chapter 82-48;

(16) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(Ord. No. 2022-03, § XII, 5-24-22; Ord. No. 2018-18, § 5, 6-26-18; Ord. No. 2014-11, § VI, 11-4-14; Ord. 68-52 § 2, 1968: Ord. 67-39 § 6, 1967: Ord. 67-27 § 1, 1967: Ord. 2011: Ord. 1985: Ord. 1781: Ord. 1569: prior code § 8160(b): Ord. 1046: Ord. 556: Ord. 382).

Article 84-52.6. Lots

84-52.602 Lot—Area.

Lot area provisions for the R-B district shall be the same as those for the N-B district (Section 84-50.602).

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(c): Ord. 1046: Ord. 556: Ord. 382).

Article 84-52.8. Building Height

84-52.802 Building height—Maximum.

Building height provisions for the R-B district shall be the same as those for the N-B district (Section 84-50.802).

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code§ 8160(d): Ord. 1046: Ord. 556: Ord. 382).

Article 84-52.10. Yards

84-52.1002 Yard—Side.

No side yards are required.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(e): Ord. 1046: Ord. 556: Ord. 382).

84-52.1004 Yard—Setback.

Every structure erected for retail business use and every structure accessory to it shall be located at least ten feet from the boundary line of any existing road or highway.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(f): Ord. 1046: Ord. 556: Ord. 382).

Article 84-52.12. Land Use and Variance Permits

84-52.1202 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-52.404 and variance permits to modify the provisions contained in Sections 84-52.602 — 84-52.1004 may be granted after application in accordance with Chapter 82-6.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(g): Ord. 1046: Ord. 556: Ord. 382).

Article 84-52.14. Special District

84-52.1402 Special district—Generally.

A single parcel of land, containing at least twenty acres, located in a retail business district, may be developed as a special retail business district as provided in Sections 84-52.1404 — 84-52.1412.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(h) (part): Ord. 1046: Ord. 556: Ord. 382).

84-52.1404 Special district—Enlarged, detailed map.

An enlarged detailed map shall be made a part of this chapter and shall state on the map that it is a special retail business district. The map shall delineate, and set forth the conditions for, the placement of buildings and spaces about buildings in legend form on the face of the map and thereby becomes a part of Sections 84-52.1402 — 84-52.1412 and of the detail of the area to which it applies.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(h)(1): Ord. 1046: Ord. 556: Ord. 382).

84-52.1406 Special district—Land use permits.

Land use permits for the modification of any of the details set forth on the enlarged detail map may be granted after application under Chapter 82-6.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code§ 8160(h)(2): Ord. 1046: Ord. 556: Ord. 382).

84-52.1408 Special district—Lot area.

In special business districts Section 84-52.1002, regulating lot area, shall not apply.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(h)(3): Ord. 1046: Ord. 556: Ord. 382).

84-52.1410 Special district—Building construction.

The enlarged detail map shall contain precise designations for sites of buildings. Only one building may be constructed within a precise building site, but land use permits to construct additional buildings on the site may be granted after application under Chapter 82-6.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(h)(4): Ord. 1046: Ord. 556: Ord. 382).

84-52.1412 Special district—Areas not included in building sites.

Areas in special retail business districts not included in precise building sites may be used for the following uses and purposes: walks, drives, curbs, gutters, parking areas, accessory buildings to parking areas, and other landscaping features not including buildings or structures, but buildings or structures may be erected in these areas on the issuance of a land use permit for them.

(Ord. 2011: Ord. 1985: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8160(h)(5): Ord. 1046: Ord. 556: Ord. 382).

Article 84-52.16. Development Plans

84-52.1602 Development plans required, procedure.

No development is lawful in an R-B district until a development plan for it has been submitted and approved pursuant to the procedures in Article 84-50.16.

(Ord. 74-36 § 2).

Chapter 84-54 C GENERAL COMMERCIAL DISTRICT

Article 84-54.2. General

84-54.202 General provisions.

All land within a C general commercial district may be used for any of the following uses, under the following regulations set forth in this chapter.

(Ord. 2011: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8161 (part): Ord. 1046: Ord. 382).

Article 84-54.4. Uses

84-54.402 Uses allowed.

The following uses are allowed in C districts:

(1) All types of wholesale businesses, warehouses, freight terminals, trucking yards, lumberyards, cabinet shops, sheet metal shops, auto repair garages, contractor's yards, and uses allowed in single-family and two-family residential districts without or with a land use permit;

(2) Uses allowed in N-B and R-B districts;

(3) Animal hospitals;

(4) Commercial dog kennels;

(5) Reserved;

(6) Emergency shelters that meet the requirements of Chapter 82-46.

(Ord. No. 2022-03 § XIII, 5-24-22; Ords. 76-36 § 4, 1781 § 8, 1569 § 20: prior code § 8161(a): Ords. 1046 § 3, 697 § 2, 382 § 4D).

(Ord. No. 2014-11, § VII, 11-4-14)

84-54.404 Uses—Requiring land use permit.

In the C district the following uses are permitted after the issuance of a land use permit:

(1) Transit-mix plants;

(2) Motels;

(3) Hotels;

(4) Structures having three or more residential apartment units. Minimum off-street parking requirements for apartment units shall be as required in Section 84-24.1202;

(5) Reserved;

(6) Reserved;

(7) Where a road, having a right-of-way width of 55 feet or less, forms the common boundary between a district of this classification and a district of any residential classification, no access to property in the district of this classification adjacent to such common boundary shall be permitted to or from such road until a land use permit therefor has been obtained. The permit will be determined by the effects of traffic upon such a road occasioned by use within such district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic, and other considerations found pertinent to the particular area concerned.

(8) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(Ord. No. 2022-03, § XIV, 5-24-22; Ord. No. 2018-18, § 5, 6-26-18; Ord. 67-39 § 3, 1967: Ord. 67-27 § 1, 1967: Ord. 2011: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8161(b): Ord. 1046: Ord. 382).

Article 84-54.6. Lots

84-54.602 Lot—Area.

All buildings or parts of buildings hereafter erected in the C district shall be situated on lots at least seventy-five hundred square feet in area.

(Ord. 2011: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8161(c): Ord. 1046: Ord. 382).

Article 84-54.8. Building Height

84-54.802 Building height—Maximum.

Building height provisions for the C district shall be the same as those for the N-B district (Section 84-50.802).

(Ord. 2011: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8161(d): Ord. 1046: Ord. 382).

Article 84-54.10. Yards

84-54.1002 Yard—Side.

There shall be a side yard on each side of each building in the C district. There shall be aggregate side yards not less than ten feet wide, and the rear yard shall be at least twenty feet deep.

(Ord. 2011: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8161(e): Ord. 1046: Ord. 382).

84-54.1004 Yard—Setback.

Every structure erected in the C district and every structure accessory to it shall be located at least ten feet from the boundary line of any existing public road or highway.

(Ord. 2011: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8161(f): Ord. 1046: Ord. 382).

Article 84-54.12. Land Use and Variance Permits

84-54.1202 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-54.404 and variance permits to modify the provisions of Sections 84-54.602 — 84-54.1004 may be granted after application in accordance with Chapter 82-6.

(Ord. 2011: Ord. 1984: Ord. 1781: Ord. 1569: prior code § 8161(g): Ord. 1046: Ord. 382).

Article 84-54.16. Development Plans

84-54.1602 Development plans required, procedure.

No development is lawful in a C district until a development plan for it has been submitted and approved pursuant to the procedures in Article 84-50.16.

(Ord. 74-36 § 3).

Chapter 84-56 C-M CONTROLLED MANUFACTURING DISTRICT

Article 84-56.2. General

84-56.202 Purpose.

All land within a C-M controlled manufacturing district may be used for any of the following uses, under the following regulations set forth in this chapter. The purpose of this chapter is to set up certain restrictions and conditions compatible with adjacent residential areas, both as to appearance and type of industry.

(Prior code § 8162 (part): Ord. 918).

Article 84-56.4. Uses

84-56.402 Uses—Permitted.

Uses permitted in the C-M district shall be as follows:

(1) Agricultural: crop and tree farming, truck farming, horticulture, viticulture, and grazing;

(2) Administrative and business offices;

(3) Professional offices and medical and dental clinics;

(4) The following and similar uses, which shall be planned, developed, conducted and operated in such a manner that noise, smoke, dust, odors and waste of any kind is confined and/or purified so as to control pollution of air, soil or water to meet the standards or requirements of the planning commission, and in a manner to eliminate any detrimental effect on the public health, safety and welfare and be in harmony with the objectives of the master plan:

(A) Research laboratories and institutes,

(B) Electronic products manufacturing,

(C) Electrical products and instrument manufacturing,

(D) Bookbinding, printing, and lithography,

(E) Cartography,

(F) Editorial and designing,

(G) Photographic printing, finishing, and processing,

(H) Household pottery,

(I) Plastic fabrication,

(J) Storage warehouses, excluding inflammable fluids, explosives, and truck terminals,

(K) Finished paper products,

(L) Garment manufacturing,

(M) Furniture upholstering,

(N) Laundry and dry-cleaning plants.

(Ords. 86-30 § 2, 76-75 § 5: prior code § 8162(b): Ord. 918).

84-56.404 Uses—Requiring land use permit.

In the C-M district, the following uses are permitted on the issuance of a land use permit:

(1) Individual residential buildings, hotels and structures and buildings accessory to them, except that residential subdivisions shall not be permitted;

(2) Retail stores.

(3) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(Ord. No. 2018-18, § 5, 6-26-18; Ord. 86-30 § 3: prior code § 8162(a): Ord. 918).

Article 84-56.6. Lots

84-56.602 Lot—Area.

Lots in the C-M district shall have a minimum width of one hundred twenty feet and a minimum area of forty thousand square feet.

(Prior code § 8162(c): Ord. 918).

84-56.604 Lot—Coverage.

No building or buildings shall cover more than thirty percent of the lot area.

(Prior code § 8l62(g): Ord. 918).

Article 84-56.8. Building Height

84-56.802 Building height—Maximum.

Buildings or structures in the C-M district shall not exceed two stories nor be more than thirty-five feet high above the highest point of ground elevation on the lot on which the building is erected.

(Prior code § 8162(d): Ord. 918).

Article 84-56.10. Yards

84-56.1002 Yard—Side and rear.

In the C-M district there shall be minimum side yards of twenty feet and minimum rear yards of twenty feet. There shall be minimum side and rear yards of fifty feet on all external boundaries of the C-M district that abut on residential and agricultural districts.

(Prior code § 8162(e): Ord. 918).

84-56.1004 Yard—Setback.

In the C-M district there shall be minimum setback of fifty feet.

(Prior code § 8162(f): Ord. 918).

Article 84-56.12. Off-Street Parking

84-56.1202 Off-street parking—Space requirements.

Off-street parking and loading provisions for the C-M district shall be as follows:

(1) Adequate off-street parking shall be provided on the premises for all vehicles of persons employed and of visitors and customers.

(2) At least two parking spaces shall be provided for every three employees on the shift having the largest number of employees.

(3) All loading and unloading operations shall be provided for on the premises.

(4) Off-street parking and loading facilities may be located within the required yard and setback areas, except a five-foot deep landscaping strip adjacent to side and rear property lines and a thirty-foot deep landscaping area adjacent to front property lines.

(Prior code § 8162(h)(1): Ord. 918).

Article 84-56.16. Manufacturing and Storage Areas

84-56.1602 Manufacturing and storage area—Requirements.

Manufacturing and storage areas: All manufacturing and fabrication operations shall be conducted within buildings. All equipment and material storage areas shall be screened by solid walls, fences, or by adequate plantings not less than six feet high.

(Prior code § 8162(h)(3): Ord. 918).

Article 84-56.18. Land Use and Variance Permits

84-56.1802 Land use and variance permit—Granting.

Land use permits for special uses enumerated in Section 84-56.404 and variance permits to modify the provisions contained in Sections 84-56.602 — 84-56.1602 may be granted after application in accordance with Chapter 82-6.

(Prior code § 8162(i): Ord. 918).

Chapter 84-58 L-I LIGHT INDUSTRIAL DISTRICT

Article 84-58.2. General

84-58.202 General provisions.

All land within the L-I light industrial district may be used for any of the following uses, under the regulations set forth in this chapter and in Chapter 84-63.

(Ord. 86-100 § 2: prior code § 8163: Ords. 1046, 1006, 382).

Article 84-58.4. Uses

84-58.402 Uses—Permitted.

Land in the L-I district may also be used for the following purposes: industrial uses which do not necessarily require or use steam generated on the premises as a prime power for the manufacturing process carried on, or extensive loading docks or similar facilities for the receiving or shipment of raw materials or semi-finished or finished products. Uses which emit dust, smoke, fumes, noise, or brilliant light, or are otherwise offensive to the senses or are of a kind or quality that their operation interferes with development or enjoyment of other property in the vicinity, may be established only after issuance of a land use permit establishing conditions for the use to prevent the creation or maintenance of a nuisance; uses included within the meaning of this proviso include, but

are not limited to, hot mix, asphalt plants, rendering plants, food processing plants, tanneries, wineries, breweries, and other similar uses.

(Prior code § 8163(b): Ord. 1046: Ord. 1006: Ord. 382).

84-58.404 Uses—Requiring land use permit.

(1) All of the uses in the following districts are permitted after the granting of land use permits: single-family residential districts, multiple family residential districts, retail business districts, neighborhood business districts, general commercial districts, agricultural districts and forestry recreation districts.

(2) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(Ord. No. 2018-18, § 5, 6-26-18; Ord. 67-39 § 4, 1967: prior code § 8163(a): Ord. 1046: Ord. 1006: Ord. 382).

Article 84-58.6. Lots

84-58.602 Lot—Area.

All buildings or parts of buildings hereafter erected or altered in the L-I district shall be erected on a lot at least seventy-five hundred square feet in area.

(Prior code § 8163(c): Ord. 1046: Ord. 1006: Ord. 382).

Article 84-58.8. Building Height

84-58.802 Building height—Maximum.

No building or structure or part of it shall be more than three stories high above the highest point of ground elevation on the lot on which the building is erected.

(Prior code § 8163(d): Ord. 1046: Ord. 1006: Ord. 382).

Article 84-58.10. Yards

84-58.1002 Yard—Side.

All buildings erected on lots in the L-I district shall have side yards at least ten feet wide on each side of each building.

(Prior code § 8163(e): Ord. 1046: Ord. 1006: Ord. 382).

84-58.1004 Yard—Setback.

Every structure erected in the L-I district and every structure accessory to it shall be located at least ten feet from the boundary line of any existing public road or highway.

(Prior code § 8163(f): Ord. 1046: Ord. 1006: Ord. 382).

Article 84-58.12. Land Use and Variance Permits

84-58.1202 Land use and variance permit—Granting.

Land use permits for the special uses enumerated in Section 84-58.402 and variance permits to modify the provisions contained in Sections 84-58.602 — 84-58.1004 may be granted after application in accordance with Chapter 82-6.

(Prior code § 8163(g): Ord. 1046: Ord. 1006: Ord. 382).

Chapter 84-60 W-3 CONTROLLED HEAVY INDUSTRIAL DISTRICT

Article 84-60.2. General

84-60.202 General provisions.

All land within the W-3 controlled heavy industrial district may be used for any of the following uses, under the regulations set forth in this chapter and in Chapter 84-63.

(Ords. 86-100 § 3, 67-58 § 1: prior code § 8163.1).

Article 84-60.4. Uses

84-60.402 Uses—Permitted.

Uses permitted in the W-3 district shall be as follows: Industrial manufacturing or processing uses of all kinds including, but not limited to, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement and sugar.

(Ord. 67-58 § 1 (part), 1967: prior code § 8163.1(a)).

84-60.404 Uses—Requiring land use permit.

Uses requiring a permit in the W-3 district shall be as follows:

(1) Any land use not recognized as an industrial manufacturing or processing use except that the following are prohibited: Single-family residential, multiple family residential and mobile home parks;

(2) Reserved;

(3) Land within the W-3 district which is also within 250 feet, exclusive of any public right-of-way areas, of any other land use district boundary, other than an H-I, L-I, or U district, shall be subject to review and approval, only as to that portion of the parcel within the 250 feet, by the planning commission as to

the location of land uses and site development for any authorized use so as to provide protection for and development compatible to adjacent land use districts.

(Ord. No. 2022-03, § XVI, 5-24-22; Ord. 67-58 § 1 (part), 1967: prior code § 8163.1(b)).

Article 84-60.6 Dimensional Requirements

84-60.602 Dimensional requirements — Generally.

There are no dimensional requirements in the W-3 district except as may be required under Section 84-640.404(3).

(Ord. 67-58 § 1 (part), 1967: prior code § 8163.1(c)).

Chapter 84-62 H-I HEAVY INDUSTRIAL DISTRICT

Article 84-62.2. General

84-62.202 General provisions.

All land within the H-I heavy industrial district may be used for any of the following uses, under the regulations set forth in this chapter and in Chapter 84-63.

(Ords. 86-100 § 4, 1569: prior code § 8164: Ords. 1046, 382).

Article 84-62.4. Uses

84-62.402 Uses — Permitted.

Heavy industrial manufacturing uses of all kinds, including, but not limited to, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement, sugar, and all other industrial or manufacturing products shall be permitted in the H-I district.

(Ord. 1459: prior code § 8164(b): Ord. 1046: Ord. 382).

84-62.404 Uses — Requiring land use permit.

Uses requiring land use permit in the H-I district shall be the same as the uses designated in Section 84-58.404 for the L-I district.

(Ord. 67-39 § 5, 1967: Ord. 1459: prior code § 8164(a): Ords. 1046, 382).

Article 84-62.6. Lot, Height, Yard

84-62.602 Lot, height, yard — Regulations.

There are no lot area, height, or side yard regulations or limitations in the H-I district.

(Ord. 1459: prior code § 8164(c): Ord. 1046: Ord. 382).

Article 84-62.8. Refuse Disposal Sites

84-62.802 Refuse disposal site — Permit required.

Refuse disposal sites are permitted in the H-I district upon the issuance of a permit under the provisions of Chapter 418-4.

(Ord. 1459: prior code § 8164(d): Ords. 1046, 382).

Chapter 84-63 LAND USE PERMITS FOR DEVELOPMENT PROJECTS INVOLVING HAZARDOUS WASTE OR HAZARDOUS MATERIAL

Article 84-63.2 General

84-63.202 Purpose.

The purpose of this chapter is to promote the health, safety and general welfare of residents and persons in the county by encouraging businesses and other entities, in planning and developing projects involving hazardous material or hazardous waste, to consider factors which involve potential health and safety risks to the surrounding community, and by requiring land use permits for development projects which could significantly and adversely affect public health, safety and the environment.

(Ords. 98-48 § 5, 96-50, 96-20, 90-92, 86-100).

84-63.204 Conflict.

This chapter is not intended, and should not be deemed, to prevent or preempt compliance with federal or state laws, regulations, rules or orders, or to excuse compliance with any other county ordinance, including other requirements of this code.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

Article 84-63.4. Definitions

84-63.402 General.

As used in this chapter, the words and phrases defined in this article shall have the meanings given unless the context otherwise requires.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.404 Baseline period.

"Baseline period" means the consecutive twelve month period of time during which activity is measured for purposes of this chapter. The baseline period shall be any twelve consecutive month period within five years of the date of the submittal of the application that is reflective of a normal year of operation.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.406 Change-in-risk project.

A "change-in-risk project" means a new use of an existing building, structure, or facility, not involving construction other than minor alterations, which use will involve a hazardous material or hazardous waste in a higher hazard category and which use will result in a hazard score higher than the hazard score of the previous use.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.408 Commercial property.

"Commercial property" means all properties with a commercial designation in the general plan including, but not limited to, the following: commercial, regional commercial, airport commercial, office, and business park.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.410 Development project.

(a) A "development project" means a new permanent building, structure or facility to be constructed that will manage hazardous materials or hazardous waste, or a permanent change-in-risk project.

As used in this section, "permanent" when used to describe a building, structure, or facility, or the new use of an existing building, structure, or facility (change-in-risk project) means that the building, structure, facility or use is intended to be in operation for more than six months.

(b) A "development project" does not include:

(1) Pipelines and related equipment more than three hundred feet from commercial or residential property. Related equipment includes, but is not limited to, items such as valves, fittings, pipe supports, insulation, instrumentation, corrosion protection systems, heat tracing systems, leak containment systems, and fire protection systems. Related equipment does not include storage tanks, storage vessels, process units or plants, mechanical rotating equipment (e.g., pumps, compressors, motors, turbines, internal combustion engines, etc.). However, the zoning administrator may determine, at the zoning administrator's sold discretion, that minor equipment defined above as not related is exempt from the ordinance.

(2) Any project consisting only of maintenance, repair, and replacement or minor modification of existing equipment provided the storage design capacity is not increased and the hazard category of hazardous material or hazardous waste handled is not increased.

(3) Any transportable treatment unit that has obtained all required permits and is used solely for site remediation or waste treatment purposes, provided the transportable treatment unit will be located on-site for a maximum time limit of one year. The director of community development will have the authority to grant a one year time extension if the applicant can demonstrate to the satisfaction of the

director that the unit is temporary. Otherwise, a land use permit will be required if the unit will remain on the site beyond the time limit specified above.

(4) Any project for which permit applications have been deemed complete on or before the effective date of this chapter by the Bay Area air quality management district or other government agency with jurisdiction over the project provided the project application has been deemed complete within one calendar year and has completed CEQA documentation.

The proponent of a project described by subsection (4) of subdivision (b) of this section may elect to be subject to the requirements of this chapter in lieu of any requirements in effect prior to the effective date of the ordinance codified in this chapter.

(Ords. 98-48 § 5, 96-50, 96-20, 90-92, 86-100).

84-63.412 Dispose.

"Dispose" means to discharge, deposit, inject, dump, or place any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

84-63.414 Equipment.

"Equipment" means pipes, pumps, vessels and other similar types of apparatus.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.416 Facility.

"Facility" means a group of buildings, structures, or units with the same purpose on contiguous parcels (including parcels separated by a right-of-way, as defined in Section 1002-2.002 of this Code) under common ownership or control.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.418 Finished product.

"Finished product" means a material which can be sold to market as a commodity.

(Ord. 98-48 § 5).

84-63.420 Hazardous material.

"Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment, and includes any material that is listed in the Code of Federal Regulations, Title 49, Section 172.101 (Hazardous Materials Table), as amended from time to time.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

84-63.422 Hazardous waste.

"Hazardous waste" means any substance which is regulated as a hazardous waste by the California Department of Health Services under 22 California Administrative Code, Division 4, Chapter 30, or defined as a hazardous waste under the Health and Safety Code Section 25117, generally as follows:

(a) "Hazardous waste" means either of the following:

(1) A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness.

(B) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(2) A waste which meets any of the criteria for the identification of a hazardous waste adopted by the State Department of Toxic Substance Control pursuant to the Health and Safety Code Section 25141.

(b) "Hazardous waste" includes, but is not limited to, Federal Resource Conservation and Recover Act ("RCRA") hazardous waste, extremely hazardous waste and acutely hazardous waste.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

84-63.424 Intermediate product.

"Intermediate product" means a material which requires further process treatment on-site or off-site to produce a finished project which can be sold as a commodity.

(Ords. 98-48 § 5).

84-63.426 Manage.

"Manage"means to generate, treat, store, transport, use or dispose of hazardous material or hazardous waste.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

84-62.428 Process unit.

"Process unit" means a collection of interconnected vessels and equipment designed to separate, purify, react, combine or otherwise chemically or physically alter one or more feed materials, to produce one or more finished or intermediate products and associated wastes, defined by plot or boundary limits. For example, a catalytic cracking unit, a hydrocracking complex, etc. Pieces of a process unit such as pumps, compressors, towers, reactors, vessels, and other such equipment and appurtenances, do not constitute a process unit.

(Ord. 98-48 § 5).

84-63.430 Project description.

"Project description" means a written description and explanation of the construction and operation of a development project. A project description shall address all phases of and for the life of the project.

The project description shall include the following information as well as any other information deemed necessary by the community development director for the purpose of determining the hazard score:

(a) A description of the facility location with respect to major freeways and immediate neighbors, and the size (in square footage or acreage) of the property on which the facility is located;

(b) An area map showing the facility in relationship to the surrounding community; and

(c) A description of all significant operations involving hazardous material and/or hazardous waste currently being managed, and/or proposed to be managed, including a brief general history of the facility;

(d) A summary of the baseline data for all five years and a justification for the selection of the representative baseline year of data used in the calculation of the hazard score.

The community development director may waive the requirement of submitting any or all of the information required by subsections (a) through (d) of this section.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.432 Residential property.

"Residential property" means all properties with a residential designation in the general plan, including, but not limited to, the following: single-family residential, multiple-family residential, and mobile homes.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.434 Sensitive receptor.

The term "sensitive receptor" includes schools, general acute care hospitals, long-term health care facilities, licensed day care facilities, and similarly less-mobile populations, and detention facilities including jails, youth camps and other locked facilities. These facilities have more than twelve people. For the purposes of this section, "general acute care hospital" has the meaning set forth in Health and Safety Code Section 1250(a), "long term health care facility" has the meaning set forth in Health and Safety Code Section 1418(a), and "child day care facility" has the meaning set forth in Health and Safety Code Section 1596.750. "School" means any school used for the purpose of the education of more than twelve children in kindergarten or any grades one through twelve, inclusive.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.436 Store.

"Store" means an act to contain hazardous waste or hazardous material for any period of time in such a manner as not to constitute disposal of such hazardous waste or hazardous material.

(Ords. 98-48 § 5, 96-50, 96-20, 91-49, 86-100).

84-63.438 Transport.

"Transport" or "transportation" means an act to move hazardous waste or hazardous material by truck, rail, marine vessel or pipelines.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

Article 84-63.6 Applicability

84-63.602 Applicability.

The provisions of this chapter shall be applicable in any nonagricultural zoning district.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

84-63.604 Exemptions.

The following projects and structures are exempt from the provisions of this chapter:

(a) Any project built solely to comply with federal, state, regional or local agency enforcement orders under a compliance time schedule that precludes timely review under this chapter. This section is primarily intended to allow exemptions for compliance with laws, regulations, rules, or administrative or judicial orders such as nuisance abatement orders or other short-term or immediately necessary actions. This section is not intended to allow automatic exemptions for projects being undertaken to comply with changed federal, state, regional or local laws. A facility claiming an exemption under this section, must file a copy of the enforcement order and proposed project description within thirty days of receipt of the order.

(b) If any building, structure, or facility is destroyed or damaged by disasters such as earthquakes, floods, offsite fires, or an act of God or public enemy, the facility may be rebuilt under the following conditions:

(1) The rebuilt project is used for the same purpose as the destroyed or damaged project;

(2) The rebuilt project complies with all environmental regulations in effect at the time of rebuilding, including best available control technology (BACT) or at least the same level of control that previously existed, whichever provides the greater level of protection to the public;

(3) The rebuilt project does not have a higher hazard score than the destroyed or damaged project (both rebuilt and destroyed or damaged project to be scored as if they are new);

(4) The hazard category of chemicals used in the rebuilt project is not greater than used by the destroyed or damaged project;

(5) Construction is commenced within one year unless an extension is granted by the community development director;

(6) The rebuilt project is at least three hundred feet away from the nearest residential property or sensitive receptor and no closer to the nearest residential property or sensitive receptor than the destroyed or damaged project; and

(7) The rebuilt project will not manage hazard category A materials in quantities greater than the destroyed or damaged project, will not manage hazardous wastes in quantities greater than the destroyed or damaged project, will not manage hazard category B materials in quantities greater than ten percent more than the amount managed by the destroyed or damaged project, and will

not manage hazard category C materials in quantities greater than ten percent more than the amount managed by the destroyed or damaged project.

(c) A development project in which both the size, as defined in Section 84-63.1012 and the monthly transportation quantity are less than:

(1) For hazard category C materials: four thousand tons;

(2) For hazard category B materials: five tons;

(3) For hazard category A materials: the quantity specified as the threshold planning quantity on the extremely hazardous materials list (Appendix A to 40 C.F.R. Chapter I, Subchapter J, Part 355, as amended from time to time), or five hundred pounds, whichever is less.

(Ords. 98-48 § 5, 96-50, 96-20, 90-92, 86-100).

Article 84-63.8. Standards and Procedures

84-63.802 Application for applicability determination — Exemption.

Any person proposing a development project which may be used to manage hazardous waste or hazardous material shall apply to the community development director for review and a determination whether a land use permit may be required under Article 84-63.10 or whether the project is exempt under Sections 84-63.604(a) or (b) or 84-63.606. Projects exempt under Section 84-63.604(c) are not required to submit an application pursuant to this section. If the hazard score of a project is sixty-nine or less and the project does not increase the amount of hazardous waste or hazardous material managed as compared to the baseline of the last three years, a determination of noncoverage and an application therefor are not required.

The application shall include all information necessary to complete and verify the hazard score of the project, such as chemical identification, distances to nearest receptors, transportation routes, and a summary of the five year baseline data. The application shall be accompanied by all fees established by the board of supervisors.

(Ords. 98-48 § 5, 96-50, 96-20, 91-49, 90-92, 86-100).

84-63.804 Application — Review — Determination.

No later than ten calendar days after receipt of an application, or the submittal of additional information, the community development director shall inform the applicant in writing that the application is complete or shall inform the applicant what additional information is required. Within twenty calendar days of the application being deemed complete, the community development director shall issue a written determination of noncoverage pursuant to Section 84-63.806, an exemption pursuant to Section 84-63.604(a) or (b), or a determination that a land use permit is required pursuant to Section 84-63.1002.

(Ords. 98-48 § 5, 96-50, 96-20, 90-92).

84-63.806 Determination of noncoverage.

Upon determining that a proposed project has a hazard score up to and including seventy-nine or that the project is exempt pursuant to Section 84-63.604, the community development director shall issue a determination of noncoverage or exemption. A determination of noncoverage for projects with a hazard score between seventy and seventy-nine, inclusive, means that the project is not subject to the requirements of Article 84-63.10, but is subject to Sections 84-63.808 and 84-63.810. Projects with a hazard score below sixty-nine and projects which are exempt pursuant to Section 84-63.604 are not subject to the requirements of Sections 84-63.808 and 84-63.810.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.808 Determinations — Public notice.

All determinations of noncoverage made pursuant to Section 84-63.806 shall be summarized on an agenda for the county zoning administrator within ten calendar days of issuance of the determination.

(Ords. 98-48 § 5, 96-50, 96-20, 91-49, 90-92, 86-100).

84-63.810 Determinations — Further public notice.

For projects with a point assignment between seventy and seventy-nine, inclusive, within five working days of issuing a determination of noncoverage, the community development director shall mail notice on the date of the determination to all organizations and individuals who have previously submitted a written request for such notice. The community development director shall publish a four-inch by six-inch advertisement in a newspaper of general circulation within ten calendar days of issuing a determination of noncoverage. The notices required by this section shall state the name of the applicant, briefly describe the project, provide the names and phone numbers of a representative of the community development department and a representative of the applicant who will be available to answer questions about the project, and shall state the date by which an appeal must be filed.

(Ords. 98-48 § 5, 96-50, 96-20, 91-49, 90-92).

84-63.812 Appeals.

Any appeal of a determination of noncoverage shall be filed within ten calendar days of the date the determination is listed on the zoning administrator's agenda or ten calendar days from the date of publication pursuant to Section 84-63.810, whichever provides the longer period of appeal.

Appeals from a determination of noncoverage shall be heard by the board of supervisors.

Except as expressly provided in this section, appeals from all decisions and determinations made pursuant to this chapter shall be governed by the land use permit provisions of Article 26-2.24 and are subject to the provisions of Article 26-2.30.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

Article 84-63.10. Land Use Permits — When Required

84-63.1002 Hazard score — Permit required.

Unless otherwise exempt from the requirements of this chapter, a land use permit shall be required for a development project proposed for the management of hazardous material and/or hazardous waste if any of the following apply:

(a) The development project obtains a hazard score of eighty or more pursuant to the formula set forth in Section 84-63.1004; or

(b) For hazard category A materials, the development project stores twice the quantity specified as the threshold planning quantity on the extremely hazardous materials list (Appendix A of 40 Code of Federal Regulations Chapters I, Subchapter J Part 355), as amended from time to time, or two thousand pounds, whichever is less; or

(c) For hazard category A or B materials, the development project will result in a new process unit(s) unless the process unit complies with Section 84-63.1004(d)(1) through (d)(6), Credit for reductions or projects to be closed. Modifications to an existing process unit do not constitute a new process unit; or

(d) For hazard category B materials, any development project that has a fill to the maximum capacity of forty thousand tons or more unless the development project complies with Section 84-63.1004(d)(1) through (d)(6), Credit for reductions or projects to be closed.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.1004 Hazard score.

(a) Formula. The hazard score of a proposed development project shall be determined pursuant to the following formula:

$$[(T + C + P) \times H] + D + A;$$

where the following symbols have the following designations:

"T" refers to the point assignment for "Transportation Risk";

"D" refers to the point assignment for "Community Risk - Distance from Receptor";

"C" refers to the point assignment for "Community Risk - Type of Receptor";

"A" refers to the point assignment for "Facility Risk - Size of Project - Total Amount";

"P" refers to the point assignment for "Facility Risk - Size of Project - Percent Change"; and

"H" refers to the point assignment for "Hazard Category of Material or Waste."

(b) Project Hazard Score. If more than one category of hazardous material or hazardous waste is used, the formula set forth in this section will be used to calculate a separate score for each material category. The material hazard category which results in the highest hazard score for the project will be used.

(c) Point Assignment. The factors set forth in subdivision (a) of this section, shall have the following point assignments:

TRANSPORTATION RISK (T)	POINTS
Truck — residential/commercial (>25% increase or new)	10
Truck — residential/commercial (>5 — 25% increase)	9
Truck — industrial (>25% increase or new)	8
Truck — industrial (>5 — 25% increase)	7
Rail — (>25% increase or new)	6
Rail — (>5 — 25% increase)	5
Marine vessel — (>5% increase)	3
Pipeline — (>5% increase)	1
0 — 5% increase	0

COMMUNITY RISK	POINTS
Distance of project from receptor (D):	
0 — 300 feet	30
>300 — 400 feet	29
>400 — 550 feet	28

>550 — 700 feet	27
>700 — 900 feet	26
>900 — 1,200 feet	25
>1,200 — 1,500 feet	24
>1,500 — 1,800 feet	23
>1,800 — 2,100 feet	22
>2,100 — 2,500 feet	21
>2,500 — 2,800 feet	20
>2,800 — 3,200 feet	19
>3,200 — 3,500 feet	18
>3,500 — 3,800 feet	17
>3,800 — 4,000 feet	16
>4,000 — 4,200 feet	15
>4,200 — 4,500 feet	14
>4,500 — 4,800 feet	13
>4,800 — 5,400 feet	12
>5,400 — 5,700 feet	11
>5,700 — 6,000 feet	10
>6,000 — 6,500 feet	9
>6,500 — 7,300 feet	8
>7,300 — 8,000 feet	7
>8,000 — 8,600 feet	6
>8,600 — 10,000 feet	5
>10,000 — 11,000 feet	4
>11,000 — 12,500 feet	3
>12,500 — 14,000 feet	2
>14,000 — 15,840 feet	1

Type of Receptor (C):	
Sensitive Receptor	7
Residential Receptor	5
Commercial Receptor	4

FACILITY RISK:	POINTS
SIZE OF PROJECT	
Total Amount of Change, tons	
(Conversion to tons; 1 ton = 2,000 pounds) (A):	
>40,000	30
>32,000 — 40,000	29
>18,000 — 32,000	28
>10,000 — 18,000	27
>6,000 — 10,000	26
>4,000 — 6,000	25
>2,100 — 4,000	24
>1,200 — 2,100	23
>750 — 1,200	22
>400 — 750	21
>200 — 400	20
>150 — 200	19

>90 — 150	18
>50 — 90	17
>30 — 50	16
>20 — 30	15
>10 — 20	14
>6 — 10	13
>4 — 6	12
>2 — 4	11
>1 — 2	10
>0.8 — 1	9
>0.5 — 0.8	8
>0.35 — 0.5	7
>0.25 — 0.35	6
>0.20 — 0.25	5
>0.18 — 0.20	4
>0.14 — 0.18	3
>0.12 — 0.14	2
>0.10 — 0.12	1
no change (0.10 or less)	0

Percent Change (P)

New 6	
>200%	5
>100% — 200%	4
>50% — 100%	3
>10% — 50%	2
>1% — 10%	1
0% — 1%	0
HAZARD CATEGORY OF MATERIAL (H)	
Category A	5
Category B	3
Category C	1

(d) Credit for Reductions or Projects to be Closed. A development project that would have a hazard score of eighty or more as determined by the formula in this section shall be entitled to a reduction credit for project closures and/or reductions in accordance with the criteria set forth in this subdivision. Reduction credit shall be given if the community development director determines that the applicant will concurrently close another project or reduce its operations and finds that all of the following criteria are met:

(1) The project to be closed or reduced is in the same facility in which the development project is proposed;

(2) The project to be closed or reduced is currently in operation and has been in operation for at least three years prior to the date of application, during which period the production schedule has been reflective of a normal production schedule;

(3) The project to be closed or reduced is the direct result of the proposed development project;

(4) The project to be closed or reduced has a higher hazard score than the proposed development project;

(5) The hazard category of the material or waste in the development project will be no greater than the hazard category of the material or waste in the project to be closed or reduced; and

(6) The development project will be more than three hundred feet from the property line of the nearest residential property or sensitive receptor.

The hazard score for the project to be closed shall also be determined by the formula set forth in subsections (a) and (b) of this section and pursuant to the provisions of this article. In determining the hazard score for the project to be closed or reduced, said project shall be deemed a new project.

The hazard score of the development project shall be subtracted from the hazard score of the project to be closed or reduced. The resulting difference will then be subtracted from the hazard score of the development project to obtain a hazard score adjusted for the closure or reduction. The adjusted hazard score shall be the basis for determining whether a land use permit shall be required under this chapter.

A determination by the community development director that a project is not subject to the land use permit requirement of this chapter as a result of credit afforded for a project closure or reduction shall be reported to the zoning administrator pursuant to Section 84-63.808 and shall be subject to the public notification requirements set forth in Section 84-63.801.

(e) Closure, Reduction Required. Projects proposed for closure or reduction for which closure or reduction credit was afforded under this section shall be closed or reduced as proposed within one year of completion of the development project. This subsection (e) applies only in cases where a land use permit would have been required but for the closure or reduction credit afforded under this section.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.1006 Determination of transportation risk.

The transportation risk point assignment shall be calculated based upon planned total quantities of materials in a hazard category, measured in tons per year for each hazard category proposed. The transportation risk point assignment shall be calculated for each mode of transportation proportionally within a single hazard category. That transportation point assignment shall be compared by hazard category with the total amount of material in the hazard category transported during the baseline period in order to obtain the percent change in Section 84-63.1004(b), Transportation risk.

For purposes of determining whether truck transportation is through residential/commercial or industrial areas, the shortest legal route from the closest two-lane (or larger) freeway shall be considered. If the route used in the county does not traverse a two-lane (or larger) freeway, the entire route shall be considered.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.1008 Determination of community risk — Distance to receptor.

"Distance to receptor" shall be the shortest distance between an exterior wall or other part of the development project and the property line of the residential property, commercial property or the sensitive receptor used to determine the hazard score of a development project.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.1010 Determination of community risk — Type of receptor.

A hazard score shall be developed for each type of receptor (residential property, commercial property and sensitive receptor) within three miles of the development project based upon the distance of the parcel of each type of receptor that is closest to the development project. The receptor that produces the highest hazard score shall be used to determine the hazard score of the development project. Receptors more than three miles from a development project shall not be considered.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.1012 Determination of project risk — Size.

The size of a development project shall be measured in terms of tons of hazardous material and/or hazardous waste stored as a result of the development project, based upon the fill-to-the-maximum capacity of the development project, including amounts stored in tanks; reactors; columns; process lines; tank cars, tank trucks or rail cars when connection to process equipment; or any other receptacle used for the containment of hazardous materials and/or hazardous wastes. The amount of material in hazard categories A, B, or C to be added to the site as a result of the development project will be used to determine the total amount of change. If more than one category of hazardous material is used, the amounts of materials (A, B, or C) shall be used with the respective hazard category in the formula in Section 84-63.1004.

The specific gravity of hazardous materials or hazardous wastes may be required to calculate the number of toms (or pounds) of hazardous materials and/or hazardous waste managed at the development project. The standard of two thousand pounds equaling one ton shall be used.

The point assignment for storage of containerized material in buildings, such as labs or warehouses, shall be based upon the maximum anticipated amount of materials for each hazard category as a result of the development project.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.1014 Determination of project risk — Percent change.

The percent change of a hazard category shall be determined by comparing the amounts of materials for the respective hazard categories A, B, or C to be added to the site as a result of the development project to the total amount of all materials for the respective hazard categories A, B, or C handled at the site from the baseline period.

(Ords. 98-48 § 5, 96-50, 96-20).

84-63.1016 Determination of hazard category.

(a) Method of Determination. The hazard category of a material or waste shall be determined pursuant to this section.

(1) The primary method of determining the material hazard category of a hazardous waste or material shall be by reference to the Winter 1994 version of the U.S. Department of Transportation ("D.O.T.") Code of Federal Regulations, Title 49 ("40 CFR"), Section 172.101, Hazardous Materials Table. From columns (3) and (5), extract the "Hazard Class or Division" and "Packing Group" information, then proceed to 49 CFR 173.2 to determine the "Name of Class or Division." Proceed to subdivision (c) of this section to determine the material hazard category as either A, B or C. If a material is listed in 49

CFR 172.101 more than one, the rating that results in the highest hazard category shall be used. The hazard category of a mixture is determined according to its common name as defined in Title 49.

(2) Where a hazardous material, waste, or mixture is not referenced in 49 CFR 172.101, and the hazard category cannot be determined using the primary method, refer to the manufacturer's MSDS for the D.O.T. "Hazard Class or Division," "Packing Group" and "Name of Class or Division." Proceed to subdivision (c) of this section to determine the material hazard category as either A, B or C.

(3) Where the preceding methods are not successful, the Contra Costa County health services director or the director's ~~his~~ designee shall be responsible for determining a material's hazard category.

(4) Regardless of the hazard category obtained using the methods set forth above, materials with the word "poison" in column (6) of 49 CFR 172.101, Methyl chloride, and the metals Antimony, Mercury, Lead, Arsenic, Thallium and Cadmium and their compounds, shall be hazard category A materials, and denatured alcohol and methanol shall be hazard category B materials for purposes of this chapter.

(b) Exclusions. Regardless of the hazard category obtained using the methods set forth in subdivision (a) of this section, hot coke, hot coal briquettes, and materials not regulation by D.O.T. or which have no D.O.T. hazard class or division are not regulated by this chapter.

(c) Hazard Categories.

Hazard Category A Materials

I. Forbidden Materials

As referenced in 49 CFR 173.21 and 173.54.

II. Explosives and Blasting Agents

Class 1, as defined in 49 CFR 173.50(b)(1) through 173.50(b)(6).

III. Reactive Materials

A. Air Reactive Materials — Class 4, Division 4.2 as defined in 49 CFR 173.124(b)(1) and (2).

B. Water Reactive Materials — Class 4, Division 4.3 as defined in 49 CFR 173.124(c).

C. Organic Peroxides — Class 5, Division 5.2 as defined in 49 CFR 173.128.

IV. Radioactive Materials

Class 7 as defined in 49 CFR 173.403(y).

V. Oxidizers D.O.T. Packing Group I

Class 5, Division 5.1 as defined in 49 CFR 173.127(a) when Packing Group I is required per 49 CFR 173.127(b)(2)(I).

VI. Poisons, D.O.T.

A. Poisons, Class 6, Division 6.1 as defined in 49 CFR 173.133 (applies to all hazard zones).

B. Infectious Substances, Class 6, Division 6.2 as defined in 40 CFR 173.134.

VII. Poison Gas

Class 2, Division 2.3 as defined in 49 CFR 173.115(c).

Hazard Category B Materials

VIII. Flammable Liquids

Class 3 Packaging Groups I and II as defined in 49 CFR 173.120(a).

IX. Flammable Solids

Class 4, Division 4.1 as defined in 49 CFR 173.124(a).

X. Oxidizers, D.O.T. Packing Group II

Class 5, Division 5.1 as defined in 49 CFR 173.127(a) when Packing Group II is required by 49 CFR 173.127(b)(2)(ii).

XI. Flammable Gases

Class 2, Division 2.1 as defined in 49 CFR 173.115(a).

XII. Corrosives, D.O.T. Packing Group I or II

Class 8 Packing Groups I or II as defined in 49 CFR 173.136(a) and 173.137(a) and (b).

Hazard Category C Materials

XIII. Nonflammable Compressed Gases

Class 2, Division 2.2 as defined in 49 CFR 173.115(b).

XIV. Combustible Liquids

Class 3 Packing Group III as defined in 49 CFR 173.120(b).

XV. Miscellaneous Hazardous Materials

Class 9 as defined in 49 CFR 173.155.

XVI. Oxidizers D.O.T. Packing Group III

Class 5, Division 5.1 as defined in 49 CFR 173.127(a) when Packing Group III is required per 49 CFR 173.127(b)(2)(iii).

XVII. Corrosives D.O.T. Packing Group III

Class 8 Packing Group III as defined in 49 CFR 173.136(a) and 173.137(c).

(Ords. 98-48 § 5, 96-50, 96-20).

Article 84-63.12. Land Use and Variance Permits

84-63.1202 Granting.

An applicant for a land use permit shall submit a project description. Land use permits required under this chapter may be granted in accordance with provisions of Chapters 26-2 and 82-6.

(Ords. 98-48 § 5, 96-50, 96-20, 86-100).

Article 84-63.14. Offsite Hazardous Waste Facility Compliance With County Hazardous Waste Management Plan

84-63.1402 Authority.

This article is enacted pursuant to Health and Safety Code Sections 25135.4 and 25135.7, concerning the siting of off-site hazardous waste facilities.

(Ords. 98-48 § 5, 96-50, 96-20, 90-73).

84-63.1404 Definitions.

(a) General. Unless otherwise specified in this section or indicated by the context, the terms used in this article have the meanings ascribed to them in Health and Safety Code Chapter 6.5 (Section 25100 et seq.).

(b) "County hazardous waste management plan" means the county hazardous waste management plan adopted by the board of supervisors on August 29, 1989 and amended by the board of supervisors on January 30, 1990, approved by a majority of the cities within the county which contain a majority of the population of the incorporated area, and approved by the State Department of Health Services on February 28, 1990, as said plan is amended from time to time.

(c) "Hazardous waste facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units.

(d) "Offsite hazardous waste facility" means a hazardous waste facility at which either or both of the following occur:

(1) Hazardous waste that is produced offsite is treated, transferred, stored, disposed or recycled.

(2) Hazardous waste that is produced onsite is treated, transferred, stored, disposed or recycled and the hazardous waste facility is not owned by, leased to or under the control of the producer of the hazardous waste.

(Ords. 98-48 § 5, 96-50, 96-20, 90-73).

84-63.1406 County hazardous waste management.

All land use permit, variance or other land use entitlement granted for the operation or expansion of an offsite hazardous waste facility shall be consistent with the portions of the county hazardous waste management plan which identify siting criteria, siting principles or other policies applicable to hazardous waste facilities. Before granting the application, the division of the planning agency hearing the matter initially or on appeal shall find that the application complies with the applicable siting criteria, siting principles and other policies identified in the county hazardous waste management plan, and that the proposed offsite hazardous waste facility is consistent with the county hazardous waste management plan.

(Ords. 98-48 § 5, 96-50, 96-20, 90-73; Health & Safety Code, §§ 25135.4, 25135.7).

84-63.1408 Exclusion.

The requirements of this article do not apply to projects which are exempt projects under Section 84-63.604.

(Ords. 98-48 § 5, 96-50, 96-20, 90-73).

Chapter 84-64 U UNRESTRICTED DISTRICT

84-64.002 General provisions.

All land within a U unrestricted district may be used for any lawful use, but the board of supervisors may hereafter amend this division to place land now placed in an unrestricted district into another district, or by proper amendment of this division may provide regulations for the use of land now in any unrestricted district.

(Prior code § 8165: Ord. 382).

Chapter 84-66 P-1 PLANNED UNIT DISTRICT

Article 84-66.2. General

84-66.202 P-1 planned unit district.

All land within a P-1 planned unit district may be used as allowed and regulated in this chapter.

(Ord. 79-74: § 84-66.002: prior code § 8166: Ord. 1743).

84-66.204 Intent and purpose.

A large-scale integrated development or a general plan special area of concern provides an opportunity for, and requires cohesive design when flexible regulations are applied; whereas the application of conventional regulation, designed primarily for individual lot development, to a large-scale development or special area may create a monotonous and inappropriate neighborhood. The planned unit district is intended to allow diversification in the relationship of various uses, buildings, structures, lot sizes and open space while insuring substantial compliance with the general plan and the intent of the county code in requiring adequate standards necessary to satisfy the requirements of the public health, safety and general welfare. These standards shall be observed without unduly inhibiting the advantages of large-scale site or special area planning.

(Ord. 79-4: § 84-66.004: prior code § 8166(a): Ord. 1743).

Article 84-66.4. Uses

84-66.402 Uses.

The following uses are allowed in the P-1 planned unit district:

(a) Any land uses permitted by an approved final development plan that are in harmony with each other, serve to fulfill the function of the planned unit development, and are consistent with the general plan.

(b) A detached single-family dwelling on each legally established lot and the accessory structures and uses normally auxiliary to it.

(c) Single room occupancy facilities that meet the requirements of Chapter 82-48.

(d) In a P-1 district for which residential uses are approved, the following uses are allowed:

(1) Accessory dwelling units complying with the provisions of Chapter 82-24.

(2) Supportive housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside.

(3) Transitional housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside.

(e) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(Ord. No. 2018-18, § 5, 6-26-18; Ord. No. 2017-14, § XIII, 9-19-17; Ords. 87-67 § 6, 79-74: § 84-66.006: prior code § 8166(j): Ord. 1743).

(Ord. No. 2014-11, § VIII, 11-4-14)

84-66.404 Restriction.

No person shall grade or clear land, erect, move, or alter any building or structure on any land, after the effective date of its rezoning to a P-1 district, except when in compliance with an approved final development plan and/or this chapter.

(Ords. 79-74, 76-26 § 2, 76-25 § 2: § 84-66.010: prior code § 8166(c): Ord. 1743).

84-66.406 Interim exceptions.

If any land has been zoned P-1 district but no preliminary development plan approved thereon, the following may be approved:

(1) Single-family Dwelling. Where it is established to the satisfaction of the director of planning that a vacant parcel of land is a legal lot and the one detached single-family dwelling proposed to be located thereon is consistent with the general plan, the dwelling may be placed on the lot without being subject to the application submittal, development plan review and approval provisions of this chapter.

(2) Nonconforming Use. Until a final development plan is approved, any nonconforming use lawfully existing at the time of the establishment of P-1 zoning on that property may be repaired, rebuilt, extended, or enlarged in accordance with Chapter 82-8.

(Ord. 79-74).

Article 84-66.6. Site Minimums

84-66.602 Areas.

The minimum areas for a P-1 district are:

(1) Residential. Five acres for residential uses except that a mobile home subdivision shall have a minimum of ten acres;

(2) Nonresidential. Ten acres for nonresidential uses;

(3) Mixed. Fifteen acres for mixed residential and nonresidential uses; and

(4) Office. No minimum for office uses which do not require heavy vehicular delivery or have easy automobile site access including some ancillary retail, service and residential uses when consistent with the general plan.

(Ords. 80-74 § 1, 79-74, 70-50: § 84-66.024: prior code § 8166(i): Ord. 1743).

Article 84-66.8. Density

84-66.802 Residential.

In computing the net development area to set residential densities, use the general plan as a guide and exclude areas set aside for churches, schools, streets, commercial use or other nonresidential use, but include areas set aside for common open space, outdoor recreation or parks.

(Ord. 79-74: § 84-66.026: prior code § 8166(k): Ord. 1743).

Article 84-66.10. Rezoning

84-66.1002 Procedure.

After initiation by the planning agency or final application approval, an area may be zoned "P-1 planned unit district" in accordance with Title 7 of the California Government Code and this code, and the zoning map of the area shall then be identified with the map symbol "P-1".

(Ords. 79-74, 76-26 § 2: 76-25 § 2: prior code § 8166(c): Ord. 1743).

84-66.1004 Ordinance plan.

If an application for P-1 zoning and a preliminary or final development plan is finally approved, the preliminary or final development plan and any conditions attached thereto, as approved or later amended, shall be filed with the planning department, and they are thereby incorporated into this Title 8 and become a part of the ordinance referred to in § 84-66.1002.

(Ords. 79-74, 76-26 § 2: 76-25 § 2: prior code § 8166(c): Ord. 1743).

84-66.1006 Rezoning and development plan application.

Except as waived in writing by the planning director, the application for rezoning to P-1 district and concurrent approval of a preliminary development consists of five copies of each of the following:

(1) A preliminary development plan, drawn to scale, indicating:

(A) Proposed use(s) of all land in the subject area,

(B) Existing natural land features, and topography of the subject area,

(C) Circulation plan for all vehicular and pedestrian ways,

(D) Metes and bounds of the subject property,

(E) Location and dimensions of all existing structures,

(F) Landscaping, parking areas, and typical proposed structures,

(G) Anticipated grading for the development;

(2) A written legal description of the subject area;

(3) A preliminary report on provision for storm drainage, sewage disposal and public utilities;

(4) An economic feasibility report and analysis of all commercial and industrial uses, if any, proposed to be located within the development;

(5) A feasibility analysis of all public and semipublic recreational and educational areas and facilities proposed to be located within the development, stating anticipated financing, development and maintenance;

(6) A residential density analysis of the subject area, and the estimated population resulting therefrom;

(7) A statement of how the proposed development is consistent with, and will further the goals and objectives of the general plan including, but not limited to, its community facilities elements;

(8) A request for zoning change signed by the owner, and by the owner of any option to purchase the property or any portion thereof, if any;

(9) Schematic drawings indicating the architectural design of all nonresidential buildings and structures and all residential buildings having attached units. Residential buildings utilizing zero lot line, cluster or patio techniques, typical designs shall be submitted. Single-family detached units on difficult topography may require design and placement review when requested by the planning director;

(10) A statement of the stages of development proposed for the entire development, indicating the sequence of units and explaining why each unit standing by itself would constitute reasonable and orderly development in relation to the entire contemplated development where it is proposed to file final development plans by units for portions of the area to be covered by the preliminary development plan; and

(11) Any additional information as may be required by the planning commission or board of supervisors at the time of any public hearing.

(Ords. 85-56 § 7, 79-74, 76-25 § 1, 76-25 § 2: prior code § 8166(b): Ord. 1743).

Article 84-66.12. Final Development Plan

84-66.1202 Requirements.

(a) The final development plan drawn to scale, shall:

(1) Indicate the metes and bounds of the boundary of the subject property together with dimensions of lands to be divided;

(2) Indicate the location, grades, widths and types of improvements proposed for all streets, driveways, pedestrian ways and utilities;

(3) Indicate the location, height, number of stories, use and number of dwelling units for each proposed building or structure;

(4) Indicate the location and design of vehicle parking areas;

(5) Indicate the location and design of proposed landscaping, expert for proposed single-family residential development;

(6) Indicate the location and design of all storm drainage and sewage disposal facilities;

(7) Provide an engineer's statement of the proposed grading;

(8) Indicate the location and extent of all proposed land uses;

(9) Indicate the location of any residential dwellings proposed to be used as new sales models.

(b) In addition, the final development plan shall be accompanied by:

(1) Elevations of all buildings and structures other than single-family residences;

(2) A statement indicating procedures and programming for the development and maintenance of public or semipublic areas, buildings and structures;

(3) A statement indicating the stages of development proposed for the entire development;

(4) A statement indicating if any new residential dwellings are proposed to be used as sales models and asking approval of that use;

(5) Any additional drawings or information as may be required by the planning commission at the time of any public hearing in the matter.

(Ords. 87-43 § 3, 79-74: § 84-66.102: prior code § 8166(d): Ord. 1743).

84-66.1204 Approval procedure.

(a) The final development plan shall be submitted to the planning commission for approval, as with use permit applications, except it is the commission which hears and reviews it. The commission's decision may be appealed to the board of supervisors in accordance with Article 26-2.24, otherwise it becomes final.

(b) A final development plan may be approved by the planning commission for a portion or unit of the approved preliminary development plan, in accordance with the sequence of units authorized by its conditions of approval, or upon a showing of both good cause and that the proposed portion or unit would, standing by itself, constitute reasonable and orderly development in relation to the entire development.

(Ords. 79-74, 76-26 § 3, 76-25 § 3: § 84-66.014: prior code § 8166(e): Ord. 1743).

84-66.1206 Combined application and final plan.

(a) Combination. An applicant for rezoning to the P-1 district may submit simultaneously and in combination with the zoning application or thereafter but before the board's final zoning decision, an application for approval of a final development plan for the entire property. The application and proposed final development plan shall comply with the requirements of Sections 84-66.006 and 84-66.1202.

(b) Procedure. Such a combined final development plan application shall be processed, noticed, and heard by the planning commission. The commission's decision shall be a recommendation to the board of supervisors which shall make the final decision on the final development plan along with the rezoning pursuant to Article 84-66.10.

(Ord. 79-74).

84-66.1402 Design objectives.

To achieve design and aesthetic quality for large-scale integrated developments and/or general plan special areas of concern, the following design objectives shall be met:

(1) Building bulk, height, land coverage, visual appearance from adjacent land, and design compatibility with existing adjoining development and land which will remain, shall be considered and controlled;

(2) A development's design should successfully integrate individual buildings and building groups with the surrounding development, other physical features in the area, and existing development which will remain;

(3) The design of structures should provide for harmonious composition of mass, scale, color, and textures, with special emphasis on the transition from one building type to another, termination of groups of structures, relationships to streets, exploitation of views, and integration of spaces and building forms with the topography of the site and the urban or suburban character of the area.

(4) Provisions are to be made for an efficient, direct and convenient system of pedestrian circulation, together with landscaping and appropriate treatment of any public areas or lobbies.

(5) Off-street parking and loading areas should be integrated into the overall vehicular circulation system.

(Ord. 79-74).

84-66.1404 Latitude of regulations.

The planning commission may recommend and the board of supervisors may adopt as part of the preliminary development plan, and may require in the final development plan, standards, regulations, limitations and restrictions which are either more or less restrictive than those specified elsewhere in this ordinance code, and which are designed to protect and maintain property values and community amenities in the subject community, and which would foster and maintain the health, safety and general welfare of the community, including and relating to but not limited to the following:

(1) Height limitations on buildings and structures;

(2) Percent coverage of land by buildings and structures;

(3) Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;

(4) The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

(5) Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;

(6) Construction of fences, walls and floodlighting of an approved design;

(7) Limitations upon the size, design, number, lighting and location of signs and advertising structures;

(8) Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

(9) Location and size of off-street loading areas and docks;

(10) Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property:

(11) Architectural design of buildings and structures;

(12) Schedule of time for construction and establishment of the proposed buildings, structures, or land uses or any stage of development thereof;

(13) Requiring of performance bonds to insure development as approved; and

(14) Requiring that where any residential dwelling unit (one-family dwelling or duplex) or units are approved to be used as a sales model or models at least one such unit have a sprinkler system installed therein meeting the standard specified in Chapter 718-6.

(Ords. 87-43 § 4, 79-74: § 84-66.1404: prior code § 8166(f): Ord. 1743).

84-66.1406 Evaluations.

When approving and adopting the rezoning application, the preliminary development plan or the final development plan, the planning commission and/or board of supervisors as the case may be, shall be satisfied that:

(1) The applicant intends to start construction within two and one-half years from effective date of zoning change and plan approval;

(2) The proposed planned unit development is consistent with the county general plan;

(3) In the case of residential development, it will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community;

(4) In the case of the commercial development, it is needed at the proposed location to provide adequate commercial facilities of the type proposed, and that traffic congestion will not likely be created by the proposed center, or will be obviated by presently projected improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking, and that the development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development;

(5) In the case of proposed industrial development, it is fully in conformity with the applicable performance standards, and will constitute an efficient and well organized development, with adequate provisions for railroad and/or truck access service and necessary storage, and that such development will have no adverse effect upon adjacent or surrounding development; and

(6) The development of a harmonious, integrated plan justifies exceptions from the normal application of this code.

(Ord. 79-74: § 84-66.020: prior code § 8166(g): Ord. 1743).

Article 84-66.16. Termination

84-66.1602 Procedure.

(a) Reversion. P-1 district shall become null and void, and the land use district classification shall revert to the immediately preceding zoning, designation if either:

(1) Within eighteen months after the effective date of the establishment of the P-1 district and/or the approval of the preliminary development plan (whichever is sooner), a final development plan is not submitted to the planning commission, or

(2) Within twelve months after the planning commission's approval of the final development plan, the construction specified in the final development plan has not been commenced.

(b) Time Limit Exception. The time limitation in subsection (a)(1) of this section applies only to the first final development plan of a unit of a phased preliminary development plan; it does not apply after approval and implementation of such first final development plan.

(c) Extensions. Upon showings of good cause, the board of supervisors may grant not more than five extensions of the time limitations set forth in subsection (a), each for no more than one year and all extensions totaling five years or less.

(Ords. 79-74, 76-26 § 4, 76-25 § 4: § 84-66.022: prior code § 8166(1): Ords. 71-17, 1743).

Article 84-66.18. Plan Changes

84-66.1802 Preliminary development plan.

(a) Changes. Changes, in the approved preliminary development plan and its conditions of approval, may be approved by the planning commission, as with land use permit applications except that it is the commission which hears and reviews them. The commission's decision may be appealed to the board of supervisors in accordance with Article 26-2.24, otherwise it becomes final.

(b) Rezoning. When substantial changes in the preliminary development plan involve a reduction of or addition to its land area, then a rezoning application shall be submitted for consideration.

(Ord. 79-74, 76-26 § 2, 76-25 § 2: § 84-66.010: prior code § 8166(c): Ord. 1743).

84-66.1804 Final development plan.

(a) Review, Hearing. The zoning administrator shall review approved final development plan applications for modification pursuant to and otherwise regulated by the land use permit provisions of Chapter 26-2, for which the zoning administrator ~~he~~ may schedule a public hearing and shall do so if the zoning administrator ~~he~~ determines that a substantial modification is being requested in an approved final development plan.

(b) Findings. In approving the modification application, ~~he~~ the zoning administrator shall find that it is consistent with the intent and purpose of the P-1 district and compatible with other uses in the vicinity, both inside and outside the district.

(c) Conditions. The zoning administrator may impose reasonable conditions and limitations to curry out the purpose of the P-1 district when approving any modification.

(Ord. 79-74: § 84-66.016: prior code § 8166(1): Ord. 1743).

Article 84-66.20. Variance Permits

84-66.2002 Granting.

(a) Procedure. Variance permits to modify the provisions contained in Article 84-66.6 may be granted in accordance with Chapters 26-2 and 82-6.

(b) General Plan Consistency. Such variance permit shall not be granted by the planning agency hearing the matter unless it finds that the variance is consistent with the general plan.

(Ord. 79-74).

Chapter 84-68 T-1 MOBILE HOME/MANUFACTURED HOME PARK DISTRICT

Article 84-68.2. General

84-68.202 General provisions.

All land within a T-1 mobile home/manufactured home park district may be used as provided in this chapter.

(Ords. 80-74 §3, 68-30 § 2, 67-39 § 1; prior code § 8168).

Article 84-68.4. Definitions

84-68.402 Generally.

Unless otherwise specifically provided, or required by the context, the following terms have the following indicated meanings in this chapter.

(Ord. 75-16 § 1: prior code § 8168(a): Ords. 68-30 § 2, 67-39 § 1).

84-68.404 Reserved.

Editor's note(s)—Ord. No. 2009-12, § IV, adopted May 19, 2009, repealed the former § 86-68.404. The former § 84-68.404 pertained to the definition of camp car and derived from prior code § 8168(a)(4); Ord. 67-39, § 1(part), 1967; and Ord. 68-30, § 1, 1968.

84-68.406 Lot.

"Lot" is any area or tract of land or portion of a mobile home park or travel trailer park designated or used for the occupancy of one mobile home, travel trailer or camp car and includes a "site."

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168(a)(6)).

84-68.408 Reserved.

Editor's note(s)—Ord. No. 2009-12, § IV, adopted May 19, 2009, repealed the former § 86-68.408. The former § 84-68.408 pertained to the definition of mobile home and derived from prior code § 8168(a)(1); Ord. 67-39, § 1(part), 1967; and Ord. 68-30, § 2, 1968. See § 82-4.296 for the definition of mobile home.

84-68.410 Mobile home park.

"Mobile home park" is any area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168(a)(2)).

84-68.412 Reserved.

Editor's note(s)—Ord. No. 2009-12, § IV, adopted May 19, 2009, repealed the former § 86-68.412. The former § 84-68.412 pertained to the definition of travel trailer and derived from prior code § 8168(a)(3); Ord. 67-39, § 1(part), 1967; and Ord. 68-30, § 2, 1968. See § 82-4.300 for the definition of travel trailer.

84-68.414 Travel trailer park.

"Travel trailer park" is any area or tract of land or a separate designated section within a mobile home park where one or more lots are rented or leased or held out for rent or lease to owners or users of travel trailers or camp cars used for travel or recreational purposes.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168(a)(5)).

84-68.416 Recreational vehicle park or campground.

"Recreational vehicle park or campground" is any area or tract of land of at least one acre, with provisions for temporary occupancy (including sleeping) for recreational or travel purposes, by travel trailers, camp cars, tents, tent trailers or other recreational vehicles designed for human habitation.

(Ord. 75-16 § 2).

84-68.418 Reserved.

Editor's note(s)—Ord. No. 2009-12, § IV, adopted May 19, 2009, repealed the former § 86-68.418. The former § 84-68.418 pertained to the definition of manufactured home/house and derived from Ord. 80-74, § 4. See § 82-4.294 for the definition of manufactured home.

84-68.420 Reserved.

Editor's note(s)—Ord. No. 2009-12, § IV, adopted May 19, 2009, repealed the former § 86-68.420. The former § 84-68.418 pertained to the definition of vessel and derived from Ord. 2002-27, § 2. See § 82-4.302 for the definition of vessel.

84-68.422 Reserved.

Editor's note(s)—Ord. No. 2009-12, § IV, adopted May 19, 2009, repealed the former § 86-68.422. The former § 84-68.422 pertained to the definition of vessel trailer and derived from Ord. 2002-27, § 3. See § 82-4.304 for the definition of vessel trailer.

Article 84-68.6. Uses

84-68.602 Uses—Permitted.

The following uses are allowed in the T-1 district:

(1) Crop and/or tree farming, not including the raising or keeping of any animals other than ordinary household pets;

(2) One mobile home on each legally established mobile home subdivision lot, plus accessory structures and uses normally auxiliary to it.

(Ords. 80-74 § 5, 68-30 § 2, 67-39 § 1: prior code § 8168(b)).

84-68.604 Requiring land use permit.

Uses requiring a permit in this district are:

(1) Mobile home parks, and noncommercial facilities incidental to such an operation;

(2) Travel trailer parks, and noncommercial facilities incidental to such an operation;

(3) Mobile home sales area within a mobile home park, if the sales are only to lessees in that park, and the sales area shall terminate when all the park spaces are occupied;

(4) Recreational vehicle parks or campgrounds, and uses and services incidental to such an operation;

(5) Mobile home subdivisions in accordance with the provisions of Article 84-68.14.

(Ords. 80-74 § 6, 75-16 § 3, 70-49 § 1, 68-30 § 2, 67-39; prior code § 8168(c)).

Article 84-68.8. Rezoning

84-68.802 Rezoning to T-1 district.

An applicant requesting a change in zoning to a T-1 mobile home park district shall submit simultaneously and in combination with the rezoning application, an application for a land use permit seeking approval of the development plan. When such an application for a land use permit is submitted, it shall be processed and notice given therefor in the same manner as those matters designated to come before the zoning administrator, except that this application shall be heard by the planning commission at the same time that the rezoning application is heard.

(Ords. 92-65 § 1, 87-3 § 2, 68-30 § 2, 67-39 § 1: prior code 8168(d)(1)).

Article 84-68.10. Application

84-68.1002 Requirements.

The planning department shall prescribe an application form for the land use permit, which shall comply with § 26-2.2002 and include a development plan drawn at a scale no greater than one inch equals one hundred feet indicating exterior boundaries of the land proposed for any mobile home park, travel trailer park or recreational vehicle park or campground, and such other drawings as may be necessary to indicate the following:

(1) All lots with their dimensions;

(2) All public streets in the vicinity of the proposed park or campground;

(3) The location, width and type of construction of all park or campground driveways;

(4) Areas which are to be landscaped and types of landscaping;

(5) Location of all park or campground buildings and proposed use of each;

(6) Type of building construction and elevations;

(7) Detailed plan of typical lot;

(8) Fences;

(9) All points of egress and ingress to the park or campground from public roads;

(10) Fire hydrants; and

(11) The lots that are to be occupied by independent mobile homes, dependent mobile homes, travel trailers, tents, or camp cars.

(Ords. 85-56 § 8, 75-16 § 6: prior code § 8168(e): Ords. 68-30, 67-39 § 1).

Article 84-68.12. Mobile Home and Travel Trailer Park Standards

84-68.1201 Park standards.

Mobile home and travel trailer parks and lot spaces contained therein shall comply with the standards of this article.

(Ord. 80-74 § 8).

84-68.1202 Park standards—Lot size.

Each lot shall have an area of not less than two thousand five hundred square feet.

(Ord. 68-30 § 2 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168(f)(1)).

84-68.1204 Park standards—Number of vehicles per acre.

There shall be no more than twelve travel trailers, camp cars or mobile homes per gross acre in a park.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168(f)(2)).

84-68.1206 Park standards—Minimum park size.

Each park shall have a minimum area of three acres.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § (part), 1967: prior code § 8168(f)(3)).

84-68.1208 Park standards—Lot dimensions.

Each lot shall have a minimum width and minimum frontage of thirty-five feet on a driveway. The lot shall be of a shape that shall permit reasonable area for private use and development and provide for convenient placement of one mobile home or one travel trailer or one camp car.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168(f)(4)).

84-68.1210 Park standards—Yard requirements.

The following yards shall be maintained, open and unobstructed, except for landscaping in each park in addition to those required yards for each lot:

(1) A front yard of at least twenty feet along the public street upon which the park abuts shall be provided.

(2) Side yards of not less than ten feet along each side boundary of the park shall be provided.

(3) A rear yard of not less than ten feet shall be provided along the rear boundary line.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168(f)(5)).

84-68.1212 Park standards—Driveways.

Driveways shall have a minimum width of thirty feet from edge to edge of pavement.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168 (f)(6)).

84-68.1214 Park standards—Recreational area.

There shall be at least one recreational area having a minimum of two hundred square feet in area per each lot.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168 (f)(7)).

84-68.1216 Park standards—Fence.

The park shall be bounded by a decorative fence six feet in height (Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168 (f)(8)).

84-68.1218 Park standards—Landscaping.

All areas of a park not occupied by driveways, patios and other park facilities shall be landscaped.

(Ord. 68-30 § 2, 1968: Ord. 67-39 § 1 (part), 1967: prior code § 8168 (f)(9)).

Article 84-68.13. Mobile Home Subdivision Standards

84-68.1302 Standards.

Mobile home subdivisions and lots contained therein shall comply with the standards of this article.

(Ord. 80-74 § 9).

84-68.1304 Minimum subdivision size.

Each mobile home subdivision shall have an area of not less than ten acres for the sole use of mobile homes as single-family dwelling units on the subdivision's individual lots.

(Ord. 80-74 § 9).

84-68.1306 Lots.

No mobile home permitted in the T-1 district shall be placed on a subdivision lot:

(1) Frontage. With less than a forty-foot frontage; and

(2) Depth. Less than ninety feet in depth.

(Ord. 80-74 § 9).

84-68.1308 Yards.

The following yards shall be maintained for each subdivision lot:

(1) Front. There shall be front yard setback of at least twenty feet for any mobile home. On corner lots the principal frontage shall have a setback of at least twenty feet and the other setback shall be at least fifteen feet.

(2) Side. The side yards shall aggregate at least fifteen feet in width. No side yard shall be less than five feet wide. These minimums may be reduced to three feet for an accessory building or structure if it is set back at least fifty feet from the front property line.

(3) Rear. There shall be a rear yard of at least fifteen feet for any mobile home. There shall be a rear yard for accessory structures of at least three feet.

(Ord. 80-74 § 9).

84-68.1310 Height.

No mobile home or other structure in a T-1 subdivision shall exceed twenty feet in height.

(Ord. 80-74 § 9).

84-68.1312 Off-street parking.

In T-1 subdivisions every mobile home unit shall have at least two off-street automobile storage spaces on the same lot. Such spaces shall each have a covered or open surfaced area of at least nine by nineteen feet and shall be entirely outside the required setback and side yard areas.

(Ord. 80-74 § 9).

84-68.1314 Fence.

A six-foot decorative fence shall bound the mobile home subdivision site area.

(Ord. 80-74 § 9).

84-68.1316 Subdivision ordinance.

Mobile home subdivisions shall comply with the provisions of the subdivision ordinance. (Title 9).

(Ord. 80-74 § 9).

Article 84-68.14. Restrictions

84-68.1402 Use for human habitation.

No mobile home, recreational vehicle, or travel trailer shall be located, maintained or used for human habitation, including sleeping, in any land use district, except as follows:

(a) The use of the mobile home, recreational vehicle, or travel trailer is authorized by Article 84-68.16, 84-68.18, or 84-68.20.

(b) The mobile home, recreational vehicle, or travel trailer is located in a lawful mobile home park or travel trailer park.

(c) The mobile home, recreational vehicle, or travel trailer is located in a lawful recreational vehicle park or campground allowed by a land use permit in these districts only: A-2, A-3, RB, C, L-1 and T-1.

(Ord. No. 2009-12, § XI, 5-19-09; Ords. 2002 - 27 § 4, 92-65 § 2, 87-3 § 2 [former § 84-68.806], 8 1-38 § 1, 80-74 § 7, 75-16 § 5: prior code § 8168(d)(3): Qrds. 69-83 § 1,68-30 § 2,67-39 § 1).

84-68.1404 Storage of mobile homes, recreational vehicles, travel trailers, vessels, and vessel trailers.

A mobile home, recreational vehicle, travel trailer, vessel, or vessel trailer may be stored at the residence of the owner or at any other residence in any land use district only if both of the following conditions are met:

(a) The mobile home, recreational vehicle, travel trailer, vessel, or vessel trailer is not used for living or sleeping purposes.

(b) The mobile home, recreational vehicle, travel trailer, vessel, or vessel trailer is adequately screened from view from all public roadways or thoroughfares.

(Ord. No. 2009-12, § XII, 5-19-09; Ords. 2002 - 27 § 5, 92-65 § 2 [former § 84-68.8 10], 87-3 § 2, 68-30 § 2 [former 84-68.8 10], 67-39 § 1: prior code § 8668 (d)(5)).

84-68.1406 Lot occupied as living quarters.

A lot in a mobile home park or travel trailer park shall not be occupied as living quarters unless a single mobile home or a single travel trailer or a single camp car is parked on the lot.

(Ords. 92-65 § 2 [former § 84-68.812], 87-3 § 2, 68-30 § 2 [former § 84-68.810], 67-39 § 1: prior code 8668 (d)(5)).

Article 84-68.16. Permanent Use

84-68.1602 Permanent mobile homes.

Mobile homes may be located, maintained and used for human habitation by building permit in all single-family residential districts (R-) and all agricultural districts (A-) when the mobile home unit complies with the following:

(1) It is to be occupied only as a principal residence on the lot;

(2) It meets all development standards of the applicable zoning district;

(3) It is certified under the National Mobile H Construction and Safety Act of 1974 and any subsequent revisions;

(4) It is installed on a permanent foundation system approved by the building inspection department of Contra Costa County;

(5) It is covered with an exterior material customarily used in new conventional single-family residential structures in the surrounding area;

(6) The exterior covering material must extend to the ground consistent with the most recent county-adopted Uniform Building Code. If a solid concrete or masonry perimeter foundation is used, the

covering material need not extend below the top of the foundation. No conventional mobile home skirting shall be allowed;

(7) The roofing material is of a material customarily used in new, conventional single-family residential structures in the surrounding area;

(8) The roof has eave and gable overhangs;

(9) The covering material of the garage or carport is the same as used on the mobile home unit;

(10) The roof overhangs, siding and roofing material have been approved by the zoning administrator. The exterior materials must be found compatible with neighboring residences.

(Ords. 92-65 § 2 [former § 84-68.808], 87-22 § 3, 87-3 § 2, 8138 § 2 [former § 84-68.807]: Govt. C. § 65852-3).

Article 84-68.18. Caretaker Use

84-68.1802 Permitted.

Mobile homes may be located, maintained and used for housing for a watchman or caretaker in the H-I, L-I, A-80, A-40, A-20, A-4, A-3, A-2, A-1, C, F-R, F-1, C-M and W-3 districts, when the zoning administrator has determined that all of this article's criteria and procedures are satisfied.

(Ords. 92-65 § 2 [former § 84-68.806(a)], 87-22 § 2, 87-3 § 2).

84-68.1804 Criteria.

Caretaker mobile home criteria to be satisfied and complied with are:

(1) There is a need for an on-site caretaker to protect possessions of substantive value;

(2) No other housing is available for a caretaker;

(3) The mobile home is not and will not be occupied by any individual possessing an ownership or leasehold interest in the property. The caretaker shall be employed as a caretaker and shall be present on-site most hours of the day;

(4) The initial term of the land use permit shall not exceed four years, and shall be set at the discretion of the zoning administrator. The land use permit may authorize the granting of one or more extensions by the zoning administrator, each extension not to exceed four years;

(5) The mobile home shall be a single-wide unit and contain at least two hundred twenty square feet but not more than five hundred square feet of floor area;

(6) The mobile home shall not be installed on a permanent foundation system;

(7) Conditions of the health officer are satisfied regarding water supply, sewage and refuse collection, as set forth in Divisions 414, 418 and 420;

(8) Other conditions determined appropriate by the zoning administrator.

(Ords. 92-65 § 2 [former § 84-68.806(a)], 87-22 § 2, 87-3 § 2).

84-68.1806 Not permanent.

Where an ongoing need for a full-time caretaker exists, the shelter needs of the caretaker shall be satisfied by the provision of a residence on a permanent foundation.

(Ords. 92-65 § 2 [former § 84-68.806(b)], 87-22 § 2, 87-3 § 2).

84-68.1808 Application and permit.

(a) Notice—Procedure. Before the zoning administrator decides an application pursuant to this section, the community development department shall mail notice of intent to decide the application to all owners of real property as shown on the latest equalized assessment roll within four hundred feet of the real property on which the mobile home is proposed to be located. Instead of the assessment roll, the department may use records of the county assessor which contain more recent information than the assessment roll.

(b) Notice—Content. The notice shall state the general nature and location of the application and the time period within which comments must be submitted to be considered. The public comment period shall not be less than seven calendar days from the date of mailing.

(c) Objections. If, within the comment period specified in the notice of intent, a written objection to the application is received or postmarked, the community development department will attempt to satisfy the concerned parties. Reasonable development and use conditions will be proposed to the applicant and the objectors. If one or more parties is unwilling to accept the staff proposal, the zoning administrator shall schedule a public hearing on the application before the planning commission in accordance with the applicable provisions of this chapter and mail notice thereof to the applicant, the owner and any objector.

(d) Permit—Granting. If no such objection is received or postmarked within the comment period, the zoning administrator may grant the permit, with or without conditions.

(e) Permit—Extensions. Requests to extend mobile home permits, including those which were issued prior to the effective date of the ordinance codified in this section, shall be subject to the criteria and procedures set forth in this section applicable to new permits.

(Ords. 92-65 [former § 84-68.806 (c),(d),(e),(f)(g)], 87-22 § 2, 87-3 § 2).

Article 84-68.20. Temporary Use

84-68.2002 Family occupancy.

The use of a mobile home, trailer or camp car may be approved on any lot by a land use permit for temporary occupancy by members (within the third degree of consanguinity) of the family occupying the principal residence on the lot, when the zoning administrator has found that it will not be detrimental to the neighborhood and that there is hardship involving age or health and not mere financial need or convenience. The mobile homes shall not be installed on a permanent foundation system.

(Ords. 92-65 § 2 [former § 84-68.804(2)], 87-3 § 2 [former § 84-68.806], 81-38 § 1, 80-74 § 7, 85-16 § 5: prior code § 8168(d)(3): Ords. 69-83, § 1, 68-30 § 2, 67-39 § 1).

84-68.2004 Construction or watchman.

The use of a mobile home, trailer or camp car may be approved by the zoning administrator on a temporary basis in any district when necessary to provide a construction office or housing for a watchman during the construction phase of the project, and only after necessary permits are obtained from the building inspection and health department. The mobile home shall not be installed on a permanent foundation system.

(Ords. 92-65 § 2 [former § 84-68.804(2)], 87-3 § 2 [former § 84-68.806], 81-38 § 1, 80-74 § 7, 75-16 § 5: prior code 8168(d)(3): Ords. 69-83, § 1, 68-30 § 2, 67-39 § 1).

84-68.2006 Interim agricultural use.

(a) By an approved land use permit, a mobile home may be located, maintained and used for a period not exceeding five years as housing on a parcel containing at least ten acres, zoned as an agricultural district (A-) and where the zoning administrator has determined that all the following criteria are satisfied:

(1) No other adequate residential housing exists on the involved parcel;

(2) There is a need for the on-site mobile home to assist the agricultural use of the involved parcel during the interim (but not to exceed five-year) permit period;

(3) The term of any approved permit shall not exceed five years and shall be set at the discretion of the zoning administrator. No permit extensions are allowed;

(4) The square feet of the mobile home's floor area shall not exceed two thousand square feet and shall be as set at the discretion of the zoning administrator;

(5) The mobile home shall not be installed on a permanent foundation system;

(6) Conditions of the health officer are satisfied regarding water supply, sewage and refuse collection, as set forth in Divisions 414, 418 and 420;

(7) That upon expiration of the permit's term, the use of the mobile home for human habitation, living or sleeping purposes shall immediately cease and it shall be removed from the parcel except for any storage allowed by Section 84-68.1404;

(8) Other land use permit conditions determined appropriate by the zoning administrator will be complied with.

(b) Any land use permit granted for such interim agricultural mobile home use shall not become operative and no such interim mobile home use shall be established unless and until the permittee-applicant has filed with the community development director a written acknowledgement of and agreement to fully comply with this section's criteria and requirements, the involved land use permit's conditions, to immediately stop use of the mobile home on (and remove it from) the parcel after the permit's expiration, and to advise any successors-in-interest to the permit and/or ownership of the involved mobile home of these matters.

(Ord. 92-65 § 2).

Article 84-68.22 Land Use and Variance Permits

84-68.2202 Granting.

Land use permits for the permit uses allowed by this chapter and variance permits to modify the provisions contained in Sections 84-68.1202 through 8468.1316 may be granted in accordance with the procedure set forth in Chapters 26-2 and 82-6.

(Ords. 92-65 § 2, 80-74 § 10, 68-30 § 2, 67-39 § 1: prior code 8168(g)).

*Chapter 84-70 -B DESIGN CONTROL COMBINING DISTRICT**

Sections:

84-70.002 General provisions.

All land within a land use district combined with an —B combining district shall be subject to the following additional regulations set forth in this chapter.

(Ord. 1986: prior code § 8167 (part)).

84-70.004 Intent and purpose—Development plan requirements.

(a) The intent and purpose of this district shall be to provide design control and maintenance of an area where the respective owners have developed a plan wherein a high degree of amenities is intended to prevail, recognizing that an attractive development enhances property values, social values, health and welfare of the community.

(b) This district may be applied when requested by a group of landowners who have prepared a plan of development, setting forth criteria through maps, illustrations and text governing the size, bulk, coverage, relationship, color, texture, materials and other appurtenances of physical improvements, including, but not limited to, buildings, signs and fences. Such a plan may also provide for, through its location, design and site planning, a convenient, attractive, and functional living, working, shopping or civic environment. Further, such a plan may provide for off-street parking, landscaping and open space. This plan and accompanying test shall become part of the county code and all further development shall be subject to it.

(Ord. 1986: prior code § 8167(a)(b)).

84-70.006 Application—Approval by planning director.

(a) Following the adoption of the rezoning ordinance, with its attendant plan and/or drawings, by the board of supervisors, any proposed development or alteration within this district shall be subject to review and approval by the planning director.

(b) The planning director may review the site plan elevations applications in public hearing under Chapter 26-2. In approving the application, the planning director shall find that the application is consistent with the intent of this district and that it is compatible with other uses in the vicinity, both within and without the district. When any plan shall have been approved by the planning director, it shall not thereafter be altered or changed except with the approval of the planning director after reviewing the proposed alterations or changes. For the review, the planning director may schedule a public hearing under Chapter 26-2.

(c) The planning director may impose reasonable conditions and limitations in addition to the requirements listed in this chapter in order to further carry out and develop the intent and purpose of this district.

(d) Any decision of the planning director may be appealed as provided for in Chapter 26-2.

(Ord. 1986: prior code § 8167(c) — (f)).

84-70.008 Application—Review criteria.

In reviewing an application, the planning director shall consider the following:

(1) That the proposed development shall serve to achieve a group of facilities which will be well related one to another, and which, taken together, will result in a well composed design, with consideration given to site, height, arrangement, texture, material, color, and appurtenances, the relation of those factors to other facilities in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area;

(2) That the proposed development shall be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

(3) That the design of the development conforms in all significant respects with the development control map and drawings adopted by the board of supervisors and made a part of this district;

(4) That the proposed development will enhance the successful operation of the surrounding area in its basic community functions.

(Ord. 1986: prior code § 8167(g)).

Chapter 84-72 —T TRANSITIONAL COMBINING DISTRICT

Article 84-72.2. General

84-72.202 —T transitional combining district.

All land within a residential land use district combined with a —T transitional combining district (—T) shall be used as allowed and regulated in this chapter.

(Ord. 80-24).

84-72.204 Intent and purpose.

Certain areas within the county are in transition where the existing established uses, buildings, and/or facilities are not consistent with current or proposed zoning. It is the intent of this district, when combined with the underlying residential district, to allow flexibility in uses where it is determined that existing residential dwellings appear to be marginal for residential habitation because of their proximity to heavily traveled roadways, or existing nonresidential uses. The application of this combining district would discourage the abandonment and/or neglect of such buildings. It is not intended that this district allow the establishment of new buildings and structures. Further, it is intended that this district only be used in areas where such applicability is consistent with the general plan.

(Ord. 80-24).

Article 84-72.4. Uses

84-72.402 Application.

The -T district may be combined with, and made applicable to land in any residential land use district.

(Ord. 80-24).

84-72.404 Permitted uses.

Uses permitted in the -T district are those uses allowed by full compliance with the combined underlying residential district's regulations.

(Ord. 80-24).

84-72.406 Uses with land use permit.

In the -T district the following uses are permitted on the issuance of a land use permit:

(1) Art studios, antique shops, craft shops, and photography studios;

(2) Answering services;

(3) Offices for architects, attorneys, accountants and engineers.

(Ord. 80-24).

84-72.408 Priority.

Where there is any conflict between the regulations of this chapter and those of the combined underlying zoning district, the requirements of this chapter shall govern except that the required minimum lot size shall remain that of the underlying zoning district.

(Ord. 80-24).

Article 84-72.6. Land Use Permits

84-72.602 Granting.

(a) Procedure. Land use permits for the special uses enumerated in Section 84-72.406 may be granted in accordance with Chapters 26-2 and 82-6.

(b) General Plan Consistency. Such land use permit shall not be granted by the planning agency hearing the matter unless it finds that the permit is consistent with the general plan.

(Ord. 80-24).

84-72.604 Concurrent rezoning.

(a) An applicant for rezoning to a -T district may submit simultaneously and in combination with the zoning application, an application for approval of a land use permit for the property.

(b) Such a land use permit application shall be processed and noticed as are those matters designated to come before the zoning administrator, except that it shall be initially heard by the planning commission. The commission's decision shall be a recommendation to the board of supervisors which shall make final decision on the land use permit along with the rezoning.

(Ord. 80-24).

Chapter 84-74 -K KENSINGTON COMBINING DISTRICT

Article 84-74.2. General.

84-74.202 Kensington (-K) combining district.

All land within a land use district combined with the Kensington (-K) combining district shall be subject to the following additional regulations set forth in this chapter.

(Ord. 2004-46 § 2).

84-74.204 Purpose and intent.

(a) The purpose of this chapter is to provide specific regulation to fairly and efficiently implement the Contra Costa County general plan policies for the Kensington Area so that future development recognizes the rights of property owners to improve the value and enjoyment of their property while minimizing impacts upon surrounding neighbors and not substantially impairing the value and enjoyment of their neighbors' property; maintains the community's property values; and promotes the general welfare, public health and safety.

(b) It is a further purpose of this chapter to promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale.

(c) Features of a development that could influence these values include but are not limited to siting, size, bulk, building envelope, height, setbacks, relative scale, off-street parking spaces, window placement, artificial lighting and location of mechanical devices such as motors, fans and vents.

(Ord. 2004-46 § 2).

84-74.206 Priority.

Where there is any conflict between the regulations of this chapter and those of the underlying zoning district, the requirements of this chapter shall govern. Otherwise, the regulations found in Division 82 and Chapter 84-4 shall apply to the Kensington combining district.

(Ord. 2004-46 § 2).

Article 84-74.4. Definitions

84-74.402 General.

Unless specified in this article, the terms used in this chapter are defined as in other chapters of this title.

(Ord. 2004-46 § 2).

84-74.404 Definitions.

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

(a) "Attic" means the space between the ceiling of the top story or top half-story, and the roof, of a building.

(b) "Basement" means any area in a building or structure where the finished floor directly above the area is less than four feet above preconstruction grade or finished grade, whichever is lower.

(c) "Bulk" means the volume of the building or structure, including interior courtyard, if any, with height of said courtyard measured to the top plate of the adjoining top story.

(d) "Crawl space" means an area at, just above, or just below grade and enclosed within the building or structure, which is unconditioned, unfinished and not habitable as a result of insufficient ceiling height to meet applicable building code standards.

(e) "Design" means the physical characteristics of the building or structure, such as bulk, fenestration, hipped roof and eaves.

(f) "Development," for the purposes of this chapter, means any building or structure that requires a building permit, unless exempted under Section 84-74.604.

(g) "Envelope" means a building's or structure's three-dimensional solid figure as defined by the exterior faces of the enclosing walls and roofs and including vertical extensions to the ceiling of the top story of eaves, balconies, decks, fenestration and interior courtyards.

(h) "Gross floor area" means the total horizontal area in square feet of each floor inclusive of the exterior walls of all buildings on a parcel, as measured at the exterior face of the enclosing wall. Gross floor area includes attached and detached primary and accessory buildings, accessory dwelling units, interior courtyards, garages and carports with roof covering. Gross floor area does not include the area in attics, crawl spaces, basements, and uncovered balconies, decks, and patios.

(i) "Interior courtyard" means an unroofed area contained within a building that is bounded on at least three sides by roofed interior space, provided the two opposing walls are each at least ten feet in depth.

(j) "Light" means a living area's access to open sky unobstructed by buildings or structures.

(k) "Living areas" mean rooms in the residential buildings on a parcel that have at least one exterior window or door. Living areas do not include attics, crawl spaces, basements, accessory buildings, garages and carports.

(1) "Neighborhood" and "neighboring" mean real properties within three hundred feet of the subject property. "Sounding neighbors" and "neighbors" mean owners of real properties within three hundred feet of the subject property.

(m) "Obstruction" means any substantial blockage or diminution by the proposed development on surrounding neighbors' light, solar access, view, or preexisting solar energy systems. An obstruction may be caused by a building, a structure, or by attached appendages, such as fire escapes, open stairways, chimneys, sills, belt-courses, cornices, eaves, trellises or other nonvegetative ornamental features.

(n) "Parcel area" means the total horizontal area included within the property lines of a parcel.

(o) "Scale" means the relative size of a building as compared to other buildings in the neighborhood.

(p) "Siting" means the location of the envelope of a building or structure on a parcel.

(q) "Solar access" means a living area's direct sunlight unobstructed by buildings or structures.

(r) "View" means a scene from a window in habitable space of a neighboring residence. The term "view" includes both up-slope and down-slope scenes, but is distant or panoramic range in nature, as opposed to short range. Views include but are not limited to scenes of skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges and bodies of water.

(Ord. No. 2017-11, § V, 5-23-17; Ord. 2004-46 § 2).

Article 84-74.6. Exemptions

84-74.602 General.

All land within a land use district combined with the -K district is exempt from the provisions of Section 82-10.002(c), Small Lot Occupancy.

(Ord. 2004-46 § 2).

84-74.604 Exemptions.

The following developments are exempt from the requirements of this chapter:

(a) Commercial buildings, churches, public buildings, or schools that meet all applicable code requirements.

(b) One story accessory buildings with an area of less than one hundred twenty square feet sited within the applicable setbacks.

(c) Repair or replacement of legally constructed residences destroyed or damaged by fire, explosion, act of God or the public enemy, or other accident or catastrophe, if both of the following conditions are satisfied:

(1) The siting and envelope are the same; and

(2) The application for repair or replacement is submitted within two years of the destruction.

(d) Developments within the -K District for which application was accepted as complete before the effective date of this chapter.

(e) Development within an existing building or structure that does not expand its envelope.

(f) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.

(Ord. No. 2020-01, § IV, 1-21-20; Ord. No. 2017-25, § VI, 10-17-17; Ord. No. 2017-11, § VI, 5-23-17; Ord. No. 2011-05, § VI, 3-15-11; Ord. 2004-46 § 2).

84-74.606 Reserved.

Editor's note(s)—Ord. No. 2020-01, § V, adopted January 21, 2020, repealed § 84-74.606, which pertained to accessory dwelling units and derived from Ord. No. 2017-25, § VII, 10-17-17.

Article 84-74.8. Hearing Requirement

84-74.802 Threshold standard triggering hearing requirement.

(a) If the proposed development results in a gross floor area that exceeds the threshold standard set forth in this section, a hearing is required in accordance with Section 84-74.1006.

(b) The threshold standard is the product of the values of PA and X, increased to the next highest one hundred unless the product of PA and X is evenly divisible by one hundred.

(c) In calculating the threshold standard, the value of PA is the parcel area in square feet. The value of X is determined by one of the following formulas:

(1) For parcels with an area of fewer than five thousand square feet, X equals 0.500.

(2) For parcels with an area of five thousand square feet or more but fewer than seven thousand square feet, X is calculated by subtracting the product of 0.00005 and PA from 0.750 [X = 0.750 - 0.00005(PA)].

(3) For parcels with an area of seven thousand square feet or more but fewer than ten thousand square feet, X is calculated by subtracting the product of 0.00002 and PA from 0.540 [X = 0.540 - .00002(PA)].

(4) For parcels with an area of ten thousand square feet or more but fewer than twenty thousand square feet, X is calculated by subtracting the product of 0.000013 and PA from 0.470 [X = 0.470 - 0.000013(PA)].

(5) For parcels with an area of twenty thousand square feet or more, X equals 0.220.

(Ord. 2004-46 § 2).

Article 84-74.10. Review Procedure

84-74.1002 Administrative decision or hearing.

Any application for a permit submitted to the community development department for a building permit for development or expansion of the envelope of a building or structure on a parcel within the -K district that is not exempt under Article 84-74.6 is subject to the review procedure under this article. This article does not exempt an application from any applicable variance requirements of Article 26-2.20.

(Ord. 2004-46 § 2).

84-74.1004 Notice.

Notwithstanding the provisions of Section 26-2.2104, before the zoning administrator decides any application pursuant to this article, the community development department shall mail or deliver notice of intent to decide the application, pursuant to Government Code Section 65091 and the notice provisions of Section 26-2.2004 of the code. The notice shall state the last day to request a public hearing on the application (which shall be no fewer than thirty-four days after date of mailing), the general nature of the application (including any subdivision exception requested), the review process, and the street address, if any, of the property involved or its legal or boundary description if it has no street address.

(Ord. 2004-46 § 2).

84-74.1006 Determination of whether hearing is required.

(a) A public hearing on an application is not required unless:

(1) The threshold standards in Section 84-74.802 are exceeded; or

(2) A written request for public hearing is filed with the community development department within thirty-four calendar days after the notice is mailed.

(b) If a public hearing is required, the community development department will schedule a public hearing on the application in accordance with applicable provisions of Chapter 26-2.

(Ord. 2004-46 § 2).

Article 84-74.12. Standards of Consideration

84-74.1202 Where no hearing is held.

If a hearing is not required under the provisions of Section 84-74.1006, the application shall be approved.

(Ord. 2004-46 § 2).

84-74.1204 Where a hearing is held.

If a hearing is held pursuant to the provisions of Section 84-74.1006, the zoning administrator shall consider the application in accordance with the provisions of this article.

(Ord. 2004-46 § 2).

84-74.1206 Standards of consideration at hearing.

(a) To ensure the development will promote the values articulated in Section 84-74.204 and promote the general welfare, public health and safety of the community, the zoning administrator shall evaluate siting, size, bulk, building envelope, height, setbacks, relative scale, off-street parking spaces, window placement, artificial lighting, and location of mechanical devices, such as motors, fans and vents. These features of the development shall be evaluated on the basis of their impacts on the neighboring properties, with regard to view protection, obstructions, privacy in living areas, parking, light and solar access, maintaining residential noise levels, and compatibility with the neighborhood with regard to bulk and scale.

(b) In reaching a decision, the zoning administrator shall apply a standard that balances the following factors: (1) recognizing the rights of property owners to improve the value and enjoyment of their property; (2) recognizing the rights of property owners of vacant lots to establish a residence that is compatible with the neighborhood in terms of bulk, scale and design; (3) minimizing impacts upon surrounding neighbors; (4) protecting the value and enjoyment of the neighbors' property; (5) maintaining the community's property values; (6) maximizing the use of existing interior space; and (7) promoting the general welfare, public health, and safety. Balancing of these factors will not result in the prohibition of development that is compatible with the neighborhood with regard to bulk and scale on parcels that have not been developed.

(c) To assess solar access impacts, when appropriate, the community development director may require the applicant to provide sun shadow analyses showing the impact of the proposed development on neighboring properties. The review process shall evaluate the impacts in accordance with the purpose and intent of this chapter as set forth in Section 84-74.204(a). The zoning administrator may condition approval of the development by requiring mitigation through design and siting.

(Ord. 2004-46 § 2).

84-74.1208 Approval.

If the zoning administrator finds that the criteria stated in Section 84-74.1206 and other applicable requirements are satisfied, the zoning administrator may approve the development plan.

(Ord. 2004-46 § 2).

84-74.1210 Appeal.

Any interested party may appeal a decision made by the zoning administrator under this chapter in accordance with the provisions of Article 26-2.24.

(Ord. 2004-46 § 2).

Chapter 84-76 FLOOD HAZARD (-FH) COMBINING DISTRICT

Sections:

Article 84-76.2. General

84-76.202 Flood hazard (-FH) combining district.

All land within a land use district combined with a flood hazard (-FH) combining district is subject to the additional regulations set forth in this chapter.

(Ord. 2004-13 § 2).

84-76.204 Purpose.

The purposes of the flood hazard combining district are to allow certain single-family dwellings, two-family dwellings, and residential second units located in special flood hazard areas to be up to three and one-half stories in height as long as the lowest story is used only for vehicle parking, storage, or building access; to eliminate the requirement for height variance permits for these three and one-half story residential buildings; and to allow limited use of the land beneath residential buildings that are required to be elevated for purposes of compliance with Chapter 82-28 (floodplain management).

(Ord. 2004-13 § 2).

84-76.206 Definitions.

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

(a) "Special flood hazard area" has the meaning set forth in Section 82-28.504.

(b) "Story" has the meaning set forth in Section 82-4.266.

(Ord. 2004-13 § 2).

Article 84-76.4. Regulations

84-76.402 Applicability.

The -FH district may be combined with and apply to any zoning district that allows for the establishment of single-family dwellings, two-family dwellings, or residential second units and is located in a special flood hazard area.

(Ord. 2004-13 § 2).

84-76.404 Standards.

A single-family dwelling, two-family dwelling, or residential second unit of up to three and one-half stories in height is permitted in an -FH district if all of the following standards are met:

(a) The lowest story is used only for vehicle parking, storage, or building access. The lowest story may not be used, intended or designed to be used, or occupied for living, sleeping, eating, or cooking purposes.

(b) The building does not exceed thirty-five feet in height.

(c) The building is located in a special flood hazard area.

(d) New buildings or additions to existing buildings must meet all applicable standards of this chapter, the underlying zoning district, and Chapter 82-28 (floodplain management).

(Ord. 2004-13 § 2).

84-76.406 Priority.

Where there is any conflict between the regulations of this chapter and the regulations of Chapter 82-28 (floodplain management), the requirements of Chapter 82-28 shall govern. Where there is any conflict between the regulations of this chapter and those of the underlying zoning district, the requirements of this chapter shall govern.

(Ord. 2004-13 § 2).

Article 84-76.6. Variance Permits

84-76.602 Variance permit—Granting.

Variance permits to modify the provisions in Section 84-76.404 may be granted in accordance with Chapter 26-2.

(Ord. 2004-13 § 2).

Chapter 84-78 BOAT STORAGE (-BS) COMBINING DISTRICT

Sections:

Article 84-78.2. General

84-78.202 Boat storage (-BS) combining district.

All land within a land use district combined with a boat storage (-BS) combining district is subject to the additional regulations set forth in this chapter.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.204 Applicability.

The -BS district may be combined with and applied to only those areas that are zoned general agricultural (A-2) and heavy agricultural (A-3).

(Ord. No. 2009-12, § II, 5-19-09)

84-78.206 Priority.

(a) If there is any conflict between the regulations of this chapter and those of the underlying zoning district, the requirements of this chapter govern, except as provided in subsection (b).

(b) If a boat storage facility is located within one mile by public road of a boat launching facility open to the public, a land use permit is required under Section 84-38.404. This chapter does not apply to a boat storage facility located within one mile by public road of a boat launching facility open to the public.

(Ord. No. 2017-14, § XIV, 9-19-17; Ord. No. 2009-12, § II, 5-19-09)

Article 84-78.4. Requirements

84-78.402 Land use permit required.

(a) A boat storage facility may be located in a -BS district upon the issuance of a land use permit.

(b) An application for a land use permit to allow a boat storage facility in a -BS district will be decided in accordance with this chapter and Article 26-2.20 of this code. Hearings will be held in accordance with Article 26-2.22 of this code, except an application for a land use permit to allow a boat storage facility must also be heard by the planning commission having jurisdiction after the initial zoning administrator hearing on the application has been held.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.404 Findings required.

No land use permit to allow a boat storage facility in a -BS district will be issued unless all of the findings required by Section 26-2.2009 of this code and all of the following findings are made:

(a) The boat storage facility will not undermine the long-term productive capacity of the agricultural land where the facility is located.

(b) The boat storage facility will not interfere or conflict with ongoing agricultural operations on nearby agriculturally zoned land.

(c) The design of all structures and improvements for the boat storage facility is compatible with the rural-agricultural setting of the area.

(d) All outdoor storage areas of the boat storage facility are adequately screened from view from surrounding properties.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.406 Standards.

(a) A boat storage facility located in a -BS district must comply with the development standards specified in Article 84-78.6.

(b) An application for a land use permit to allow a boat storage facility in a -BS district must include a plot plan or site development plan that indicates the location and design features of all of the development standards specified in Article 84-78.6. The boat storage facility must conform to the approved plot plan or development plan.

(Ord. No. 2009-12, § II, 5-19-09)

Article 84-78.6. Development Standards

84-78.602 Storage.

(a) Vessels and vessel trailers may be stored in a boat storage facility.

(b) Recreational vehicles may be stored in a boat storage facility as long as the number of recreational vehicles stored does not exceed twenty-five percent of the total number of storage spaces in the storage area.

(c) A boat storage facility may consist of enclosed storage structures or outdoor storage areas, or both. The location of all storage structures and storage areas must be specified on the plot plan or site development plan. The plot plan or site development plan must indicate the maximum number of storage spaces for vessels, vessel trailers, and recreational vehicles, and must specify the percentage of parcel area to be devoted to the storage of vessels, vessel trailers, and recreational vehicles.

(d) Enclosed Storage Structures.

(1) Vessels, vessel trailers, and recreational vehicles may be stored in an enclosed or covered structure, but only in an area designated for a storage structure on an approved plot plan or site development plan.

(2) A storage structure may be in the form of a canopy system.

(3) Prefabricated shipping or cargo containers may not be used as storage units.

(4) All storage structures must be set back at least fifteen feet from all property lines, and must not exceed a height of thirty-five feet.

(5) The exterior colors, facades, windows, roof, and building materials of all storage structures must be compatible with rural-agricultural character of the area, and must be clearly depicted on the plot plan or site development plan.

(6) Storage structure drawings must be provided with the land use permit application.

(e) Outdoor Storage Areas.

(1) Vessels, vessel trailers, and recreational vehicles may be stored outdoors in areas designated for outdoor storage on an approved plot plan or site development plan.

(2) Outdoor storage areas must be screened by natural buffers, planted landscape areas, or walls or fences. Outdoor storage areas must be set back a distance of fifteen feet from all property lines, except the zoning administrator may reduce the setback distance if the zoning administrator determines that an architecturally designed wall or fence compatible with adjacent properties would effectively screen the storage area from public view.

(3) Outdoor storage is prohibited within all setback areas.

(4) Outdoor storage areas must be clearly indicated on the site plan or site development plan.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.604 Fences.

(a) No fence or wall may exceed a maximum height of ten feet, except the zoning administrator may authorize a fence or wall higher than ten feet if the zoning administrator determines that a higher, architecturally designed wall or fence would provide greater security than a ten-foot-high wall or fence and be compatible with the rural-agricultural character of the surrounding area.

(b) All screening fences or walls must be constructed of masonry, concrete, or other similar materials, or consist of slatted chain link fencing. The design and materials used in the construction of fences and walls must be compatible with the rural-agricultural character of the surrounding area.

(c) The plot plan or site development plan must clearly specify the location and maximum height of all fences and walls.

(d) Rolled razor wire on fences or walls is prohibited.

(e) Exterior fence and wall surfaces must be kept free of graffiti and all other marks of vandalism.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.606 Access, interior circulation, parking, and loading areas.

(a) One defined point of vehicular ingress and egress must be provided onto each street or highway adjoining the facility. Each defined point of vehicular ingress and egress must conform to the standards and requirements of the public works department and the fire district having jurisdiction. The site must be designed to provide easy access for emergency service vehicles.

(b) The following access and interior circulation standards apply:

(1) At least forty feet of unobstructed driveway depth must be provided from an adjoining street or highway to the storage facility's primary access gate or principal entry point.

(2) Any interior driveway providing access to storage areas on both sides of that driveway must be at least thirty-six feet wide, except the zoning administrator may authorize a width of less than thirty-six feet if the reduced width is necessary because of the irregular shape or configuration of the lot or parcel. No interior driveway may be less than twenty feet wide.

(3) Any interior driveway providing access to storage areas on only one side of that driveway must be at least twenty feet wide.

(c) One standard parking space for each two thousand square feet of gross building storage floor area must be provided. Parking spaces may not obstruct any driveways or adversely affect vehicular ingress and egress to and from the facility. Storage spaces in approved outdoor storage areas do not qualify as required parking spaces.

(d) The boat storage facility must be designed to allow loading and unloading to occur exclusively on-site. The following parking and loading area standards apply:

(1) One exclusive use loading area must be located in front of each ground level storage unit, if the storage unit is located in a storage structure and has a roll-up door. These exclusive use loading areas do not qualify as required parking spaces.

(2) Common loading areas must be provided in an amount sufficient to serve the users of all interior storage units. Common loading areas must be designed to prevent obstruction of driveways.

(3) Adequate queuing space must be provided on site to prevent vehicles from using adjacent streets or highways for maneuvering. Streets and highways may not be used for queuing.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.608 Outdoor lighting.

(a) Outdoor lighting must be shielded to direct light and glare only onto storage areas. Lighting and glare must be deflected, shaded and focused away from all adjoining properties.

(b) Outdoor lighting must not exceed an intensity of one foot-candle of light throughout the facility.

(c) All outdoor lighting must be clearly depicted on the plot plan or site development plan.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.610 Trash enclosures.

(a) All trash receptacles must be located within an enclosure of adequate height to screen the receptacle from view. All trash enclosures must be constructed of wood, metal, or other opaque material, and have a self-latching gate.

(b) At least two trash receptacles and surrounding enclosures must be provided for each storage area.

(c) The proposed location and dimensions of each trash enclosure must be specified on the plot plan or site development plan.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.612 Signs.

(a) Signs must not be illuminated.

(b) The design of all signs must be compatible, to the maximum extent practicable, with nearby agricultural uses and reflect the rural-agricultural characteristics of the surrounding area.

(c) Signs must comply with the requirements of Chapter 88-8.

(d) The proposed location and dimensions of all signs must be specified on the plot plan or site development plan.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.614 Site design.

(a) The architecture of all storage structures, areas, fences, walls, gates, and landscaping must be compatible, to the maximum extent practicable, with nearby agricultural uses and reflect the rural-agricultural characteristics of the surrounding area.

(b) All storage structures must be designed, located, and screened so all overhead doors and interior driveways are not readily visible from adjacent public view.

(Ord. No. 2009-12, § II, 5-19-09)

84-78.616 Use restrictions and operational requirements.

(a) Only the following activities are allowed at a boat storage facility:

(1) Activities normally associated with the pickup, drop-off, or movement of vessels onto trailers or the movement of recreational vehicles, including the installation of hitches, trailers, and towing packages.

(2) Commercial transactions that are associated with the rental of storage spaces or units and are between the boat storage facility and renters or lessees of storage areas.

(b) The following uses are prohibited within a boat storage facility:

(1) The storage of any of the following: dangerous materials, including flammable, caustic, poisonous, radioactive or explosive matter or materials; any material that creates dust, odor, or fumes; and hazardous materials or hazardous waste.

(2) The repair, servicing, renovating, manufacturing, assembly, construction, painting, maintenance, washing or resurfacing of any vessel, motor vehicle, recreational vehicle, trailer or other machine or implement.

(3) Any commercial, business, professional, industrial or recreational use or activity, except for commercial transactions that are associated with the rental of storage spaces or units and are between the boat storage facility and renters or lessees of storage areas.

(4) The use of any storage structure or storage space for human or animal habitation.

(c) A boat storage facility may contain no more than one residential unit. A residential unit may be used only by an on-site manager or caretaker employee.

(d) No water, sanitary facilities or electricity, with the exception of lighting fixtures, may be provided in storage areas or spaces, unless approved by the zoning administrator.

(e) Operational Requirements.

(1) A boat storage facility may be open for business only between the hours of seven a.m. and six p.m. After-hours access by customers to a boat storage facility for drop-off or pick-up is not prohibited by this section.

(2) All rental or lease agreements for storage units and spaces must include all of the following provisions:

(A) The name, mailing address, and telephone number of the renter or lessee.

(B) A description of all vessels, vessel trailers, vehicles or equipment being stored within the unit or space, including vessel or vehicle registration numbers.

(C) A provision, signed by the renter or lessee, that the renter or lessee comply with all applicable requirements of this ordinance and conditions of approval for the facility's land use permit, including the prohibition against the storage of any dangerous materials.

(3) All storage facility records, or copies thereof, including all rental or lease agreements, must be kept at the boat storage facility. A boat storage facility's records must include a regularly updated list of all storage space renters, lessees, or users. The storage facility's owner, operator, or other designated responsible person must make all boat storage facility records available to the county upon request.

(Ord. No. 2009-12, § II, 5-19-09)

Chapter 84-79 URBAN FARM ANIMAL EXCLUSION (-UE) COMBINING DISTRICT

Article 84-79.2 General

84-79.202 Urban farm animal exclusion (-UE) combining district.

All land within a land use district combined with an urban farm animal exclusion (-UE) combining district is subject to the additional regulations set forth in this chapter.

(Ord. No. 2018-11, § II, 5-1-18)

84-79.204 Applicability.

The -UE district applies to all property in any of the following zoning districts located in the following communities:

(a) Zoning districts.

(1) Single-family residential districts (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100).

(2) Planned unit (P-1) districts for which single-family residential uses are approved.

(3) Two-family residential (D-1) districts.

(b) Communities.

(1) Bethel Island.

(2) Byron.

(3) Diablo.

(4) Discovery Bay.

(5) Knightsen.

(Ord. No. 2018-11, § II, 5-1-18)

84-79.206 Priority.

If there is any conflict between the regulations of this chapter and those of the underlying zoning district, the requirements of this chapter govern.

(Ord. No. 2018-11, § II, 5-1-18)

84-79.208 Definitions.

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

(a) "Apiary" has the meaning set forth in Section 82-50.204.

(b) "Urban farm animal raising and keeping" has the meaning set forth in Section 82-50.204.

(Ord. No. 2018-11, § II, 5-1-18)

Article 84-79.4 Uses

84-79.402 Permitted uses.

(a) Except as otherwise provided in Section 84-79.404, all uses authorized in the underlying zoning district are permitted in a -UE district.

(b) Urban farm animal raising and keeping is permitted in a -UE district where the underlying zoning district is a single-family residential district with an R-20, R-40, R-65, or R-100 designation.

(Ord. No. 2018-11, § II, 5-1-18)

84-79.404 Prohibited uses.

(a) Keeping or maintaining an apiary is prohibited in a -UE district.

(b) Urban farm animal raising and keeping is prohibited in a -UE district where the underlying zoning district is a listed single-family residential district (R-6, R-7, R-10, R-12, R-15), a planned unit (P-1) district for which single-family residential uses are approved, or a two-family residential (D-1) district.

(Ord. No. 2018-11, § II, 5-1-18)

Chapter 84-80 A-20 EXCLUSIVE AGRICULTURAL DISTRICT

Sections:

Article 84-80.2. General

84-80.202 General provisions.

All land within an A-20 exclusive agricultural district may be used for any of the following uses, under the regulations set forth in this chapter.

(Ord. 79-108).

84-80.204 Purpose.

The purpose of this chapter's regulations is to provide and protect areas for agricultural uses by preventing the establishment of urban and any other incompatible land uses thereon.

(Ord. 79-108).

Article 84-80.4. Uses

84-80.402 Uses—Allowed.

The following uses are allowed in an A-20 district:

(1) All types of agriculture, including general farming, wholesale horticulture and floriculture, dairying, livestock production and breeding, poultry and grain-fed rodent raising, aviaries, apiaries, forestry, and similar agricultural uses.

(2) Other agricultural uses, including the erection and maintenance of sheds, warehouses, granaries, dehydration plants, hullers, fruit and vegetable packing plants, and buildings for the storage of agricultural products and equipment.

(3) A grower stand or farm stand.

(4) A detached single-family dwelling on each legally established lot and the accessory structures and uses normally auxiliary to it.

(5) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.

(6) A farmworker dwelling.

(7) Farmworker housing complex.

(Ord. No. 2020-01, § XII, 1-21-20; Ord. No. 2017-14, § XV, 9-19-17; Ords. 2007-23 § 7, 2006-19 § 10, 79-108).

84-80.404 Uses with land use permit.

The following uses may be allowed in an A-20 district on the issuance of a land use permit:

(1) Merchandising of agricultural supplies and services incidental to agricultural use.

(2) Commercial kitchens or other facilities for creating value-added farm products.

(3) Canneries.

(4) Cold storage plants.

(5) Rendering plants and fertilizer plants or yards.

(6) Livestock auction or sales yards.

(7) Wholesale nurseries and greenhouses.

(8) Mushroom houses.

(9) Processing of milk not produced on premises.

(10) Dude ranches, riding academies, stables, dog kennels.

(11) Hospitals, eleemosynary and philanthropic institutions, convalescent homes, and animal hospitals.

(12) Churches, religious institutions, parochial and private schools.

(13) Community buildings, clubs, activities of a quasi-public, social, fraternal or recreational character.

(14) Medical and/or dental offices and clinics.

(15) Boat storage area within one mile by public road of a public boat launching facility.

(16) Oil and gas drilling and production including the installation and use of only such equipment necessary and convenient for drilling and extracting operations.

(17) Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices.

(18) One additional single-family dwelling.

(19) Wind energy conversion systems, except when used only as an accessory to an allowable residential or agricultural use.

(20) A farm market.

(21) Farmworker housing center.

(22) Commercial cannabis activities that meet the requirements of Chapter 88-28.

(23) A child care center, as the term is defined in California Code of Regulations, title 22, section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(Ord. No. 2024-06, § 6, 3-5-24; Ord. No. 2022-37, § IX, 12-6-22; Ord. No. 2018-18, § 5, 6-26-18; Ord. No. 2017-14, § XVI, 9-19-17; Ord. No. 2013-12, § IX, 4-16-13Ords. 2007-23 § 8, 2006-19 § 11, 86-61 § 4, 84-24 § 4, 79-108).

Article 84-80.6. Lots

84-80.602 Area, width and depth.

No building or other structure allowed in the A-20 district shall be erected or placed on a lot smaller than twenty acres in area, and two hundred fifty feet in average width, and three hundred feet deep.

(Ord. 79-108).

Article 84-80.8. Building Height

84-80.802 Building height—Maximum.

(a) Except as provided in subsection (b) of this section, there shall be no maximum building or structure height in the A-20 district.

(b) No residential structure or building permitted in an A-20 district shall exceed two and one-half stories or thirty-five feet in height, whichever is greater.

(Ords. 2006-19 § 12, 79-108).

Article 84-80.10. Yards

84-80.1002 Side.

No side yard shall be less than fifty feet in width.

(Ord. 79-108).

84-80.1003 Setback.

There shall be front yard setback of at least twenty-five feet for any building or structure.

(Ord. 79-108).

84-80.1004 Rear.

No rear yard width is required.

(Ord. 79-108).

84-80.1006 Residential land.

Notwithstanding any other yard provisions of this article, no barns, stables and other buildings or structures used to house livestock, grain-fed rodents, or poultry shall be located on a lot less than fifty feet from the boundary line of any residential land use district.

(Ord. 79-108).

Article 84-80.12. Land Use and Variance Permits

84-80.1202 Granting.

Land use permits for the special uses enumerated in Section 84-80.404 and variance permits to modify the provisions contained in Article 84-80.6 through 84-80.10 may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. 79-108).

Article 84-80.14 Rooster Keeping

84-80.1402 Standards.

Rooster keeping standards for the A-20 district shall be the same as those for the A-2 district (Section 84-38.1402).

(Ord. No. 2018-06, § XXI, 5-1-18)

84-80.1204 Clustering.

Variance permits may be granted pursuant to Section 84-80.1202 to allow the clustering of single-family dwellings on lots where:

(1) Such action is consistent with the general plan;

(2) The design of the dwelling cluster is, and shall be subject to the review and approval of the zoning administrator; and

(3) Development rights, grants, and/or open space and conservation easements are conveyed to the county for the portions of the lots not covered by the clustered dwellings. Such conveyances shall be valid for the period of time specified by the planning agency but not to exceed twenty-five years.

(Ord. 79-108).

Chapter 84-82 A-40 EXCLUSIVE AGRICULTURAL DISTRICT

Article 84-82.2. General

84-82.202 General provisions.

All land within an A-40 exclusive agricultural district may be used for any of the following uses, under the regulations in this chapter.

(Ord. 79-108).

84-82.204 Purpose.

The purpose of this chapter's regulations is to provide and protect areas for agricultural uses by preventing the establishment of urban and any other incompatible land uses thereon.

(Ord. 79-108).

Article 84-82.4. Reference to A-20 District

84-82.402 Conform to A-20 district.

Except as specified, the A-40 district is established and administered conformably with all the provisions of Chapter 84-80 on A-20 districts.

(Ord. 79-108).

84-82.404 Differences from A-20 district.

The following regulations for A-40 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-40 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-40 district shall be erected or placed on a lot smaller than forty acres in area.

(Ord. No. 2024-06, § 7, 3-5-24; Ord. No. 2017-14, § XVII, 9-19-17;; Ord. 79-108).

Chapter 84-84 A-80 EXCLUSIVE AGRICULTURAL DISTRICT

Article 84-84.2. General

84-84.202 General provisions.

All land within an A-80 exclusive agricultural district may be used for any of the following uses, under the regulations in this chapter.

(Ord. 79-108).

84-84.204 Purpose.

The purpose of this chapter's regulations is to provide and protect areas for agricultural uses by preventing the establishment of urban and any other incompatible land uses thereon.

(Ord. 79-108).

Article 84-84.4. Reference to A-20 District

84-84.402 Conform to A-20 district.

Except as specified, the A-80 district is established and administered conformably with all the provisions of Chapter 84-80 on A-20 districts.

(Ord. 79-108).

84-84.404 Differences from A-20 district.

The following regulations for A-80 districts are different from those for A-20 districts:

(1) Uses with land use permit. No land use permit may be issued in an A-20 district for the uses listed in subsections (11) through (15) of Section 84-80.404.

(2) Area. No building or other structure permitted in an A-80 district shall be erected or placed on a lot smaller than eighty acres in area.

(Ord. No. 2024-06, § 8, 3-5-24; Ord. No. 2018-18, § 5, 6-26-18; Ord. No. 2017-14, § XVIII, 9-19-17; Ord. 79-108).

Chapter 84-86 CANNABIS EXCLUSION (-CE) COMBINING DISTRICT

84-86.202 Cannabis exclusion combining district.

All land within a land use district combined with a cannabis exclusion (-CE) combining district is subject to the additional regulations set forth in this chapter.

(Ord. No. 2018-18, § 4, 6-26-18)

84-86.204 Applicability.

The cannabis exclusion (-CE) combining district applies to all property in all zoning districts in the following communities and geographic areas of the county.

(a) Acalanes Ridge.

(b) Alamo.

(c) Bethel Island.

(d) Blackhawk.

(e) Bollinger Canyon.

(f) Contra Costa Centre.

(g) Knightsen.

(h) Sandmound Slough.

(i) Saranap.

(Ord. No. 2019-15, § 2, 5-21-19; Ord. No. 2018-27, § 2, 9-25-18; Ord. No. 2018-18, § 4, 6-26-18)

84-86.206 Priority.

If there is any conflict between the requirements of this chapter and those of the underlying zoning district, the requirements of this chapter govern.

(Ord. No. 2018-18, § 4, 6-26-18)

84-86.208 Definitions.

For the purposes of this chapter, the term "commercial cannabis activities" has the same meaning as in Chapter 88-28.

(Ord. No. 2018-18, § 4, 6-26-18)

84-86.210 Permitted uses.

Except as provided by Section 84-86.212, all uses allowed in the underlying zoning district are permitted within the -CE district.

(Ord. No. 2018-18, § 4, 6-26-18)

84-86.212 Prohibited uses.

Commercial cannabis activities are prohibited within the -CE district, regardless of the underlying zoning district.

(Ord. No. 2018-18, § 4, 6-26-18)

Chapter 84-88 SOLAR ENERGY GENERATION (-SG) COMBINING DISTRICT

Article 84-88.2 General

84-88.202 Solar energy generation (-SG) combining district.

All land within an agricultural (A-2, A-3, A-20, A-40, or A-80) district combined with a solar energy generation (-SG) combining district is subject to the additional regulations set forth in this chapter.

(Ord. No. 2020-08 § II, 2-25-20)

84-88.204 Priority.

If there is any conflict between the regulations of this chapter and those of the underlying zoning district, the requirements of this chapter govern.

(Ord. No. 2020-08 § II, 2-25-20)

84-88.206 Definitions.

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

(a) "Commercial solar energy facility" has the meaning set forth in Section 88-30.206.

(b) "Solar energy facility" has the meaning set forth in Section 88-30.206.

(Ord. No. 2020-08 § II, 2-25-20)

Article 84-88.4 Uses

84-88.402 Permitted uses.

All uses allowed in the underlying zoning district are permitted in an -SG district.

(Ord. No. 2020-08 § II, 2-25-20)

84-88.404 Commercial solar energy facilities.

A commercial solar energy facility that meets the requirements of Chapter 88-30 may be established in an -SG district after issuance of a land use permit.

(Ord. No. 2020-08 § II, 2-25-20)

Chapter 84-90 CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT AND CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT[12]

84-90.002 Authority and applicability.

(a) This chapter is authorized by state statutes and regulations, including, but not limited to, Public Resources Code Sections 4117, 4290 and 5561.5; Health and Safety Code Sections 13801, 13804, 13861, 13862, and 13870; Government Code Section 51175; Title 14, California Code of Regulations, Section 1270.04; Title 19, California Code of Regulations, Section 1.07; and Title 24, Part 9, California Code of Regulations, Chapter 49.

(b) This chapter applies in all territory within the Contra Costa County Fire Protection District and Crockett-Carquinez Fire Protection District that has been classified as a local responsibility area. This chapter also applies to all structures in a state responsibility area located within the Contra Costa County Fire Protection District and Crockett-Carquinez Fire Protection District, pursuant to Health and Safety Code Section 13811.

(Ord. No. 2023-07, § 1, 4-4-23)

84-90.004 Definitions.

Combustible material. Rubbish, litter, or material of any kind other than hazardous vegetation, that is combustible and endangers the public safety by creating a fire hazard as determined by the Fire Code Official.

Cost of abatement. Includes all expenses incurred by the fire district in its work of abatement and administrative costs.

Defensible space. The areas, including Zone 0, Zone 1, and Zone 2, extending one hundred feet from any Structure.

Fire apparatus access road. A road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term that includes, but is not limited to, a fire lane, public street, public right-of-way, private street, driveway, parking lot lane, and access road.

Fire code official. The Fire Chief or their duly authorized representatives.

Fire district. The Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District.

Fire hazard. Any condition, arrangement, or act that will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of

[12]Ordinance No. 2023-07, §§ 1—6, adopted April 4, 2023, did not specifically amend the Code. Therefore such ordinance has been added as chapter 84-90 at the editor's discretion.

preventing, suppressing, or extinguishing fire, or that may obstruct, delay, or hinder, or may become the cause of obstruction, delay, or hindrance, to the prevention, suppression, or extinguishment of fire.

Fuel break. A strategically located block or strip of land on which a cover of dense, heavy, or hazardous vegetation has been removed or modified to create lower fuel volume or reduced combustibility as an aid to fire control.

Hazardous vegetation. Vegetation that is combustible and endangers the public safety by creating a fire hazard, including, but not limited to, bark, mulch, seasonal and recurrent grasses, weeds, stubble, non-irrigated brush, dry leaves, dry needles, dead, dying, and diseased trees, or any other vegetation identified by the Fire Code Official.

Ladder fuel. Fuel that provides vertical continuity between surface fuel and canopy fuel strata, increasing the likelihood that fire will carry from surface fuel into the crowns of shrubs and trees.

Local responsibility area. An area that is not a state responsibility area or federal property, and where the responsibility for preventing and suppressing fires is primarily the responsibility of the Fire District.

Modification. Where there are practical difficulties involved in carrying out the provisions of this chapter, the Fire Code Official, shall have the authority to grant modifications for individual cases, provided that the Fire Code Official shall first find that special individual reasons make the strict letter of this chapter impractical and that the modification is in compliance with the intent and purpose of this chapter. The details of actions granting a modification shall be recorded and entered in the files of the Fire District.

Outbuilding. Buildings or structures that are less than one hundred twenty square feet in size and are not used for human habitation, and buildings or structures with a roof but no walls.

Parcel. A portion of real property of any size, which may be identified by an Assessor's Parcel Number, the area of which is determined by the legal lot of record.

Person. Includes any agency of the state, and any county, city, special district, or other local public agency, and any individual, firm, association, partnership, business trust, corporation, nonprofit corporation, limited liability company, or company.

Rubbish. Waste matter, litter, trash, refuse, and debris on streets or private property in the jurisdiction which is, or dry when they become, a fire hazard.

State responsibility area. An area of the state identified by the Board of Forestry and Fire Protection pursuant to Public Resources Code Section 4125 where the financial responsibility for preventing and suppressing fires is primarily the responsibility of the state.

Streets. Includes alleys, parkways, driveways, highways, private roads, public roads, trails and fire trails.

Structure. A building that has walls and a roof and an area of one hundred twenty square feet or greater.

Tree litter. Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

(a) Weeds that bear seeds of a fluffy nature or are subject to flight.

(b) Sagebrush, chaparral (including chamise, coyote brush/greasewood, brooms, and buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire hazard to adjacent improved property.

(c) Weeds that are otherwise noxious or dangerous.

(d) Poison oak and poison sumac when the conditions of growth constitute a menace to public health.

(e) Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Zone 0. Referred to as the Ember-resistant Zone or Home Ignition Zone, it extends from zero to five feet from any structure, attached deck, or outbuilding on the parcel. Zone 0 requires the most stringent wildfire fuel reduction. This Ember-resistant Zone is designed to ensure that fire or embers from igniting materials cannot spread to the structure.

Zone 1. Referred to as the Lean, Clean, and Green Zone, it extends from five feet to thirty feet from any structure or attached deck, or from five feet from the structure or attached deck to the property line, whichever is closer.

Zone 2. Referred to as the Reduced Fuel Zone, it extends from thirty feet to one hundred feet from any Structure or attached deck, or from thirty feet from the structure or attached deck to the property line, whichever is closer.

(Ord. No. 2023-07, § 2, 4-4-23)

84-90.006 Fuel mitigation and exterior hazard abatement (defensible space) standards.

(a) *Prohibition.* No person who has any ownership or possessory interest in or control of a parcel within any state responsibility area or local responsibility area within the Fire District shall allow to exist thereon any hazardous vegetation or combustible material that constitutes a fire hazard as determined by the Fire Code Official.

(b) *Defensible space for structures and attached decks.* All persons who have any ownership or possessory interest in or control of any parcel within the Fire District shall maintain defensible space adjacent to all Structures and attached decks on the parcel in accordance with California Code of Regulations, Title 14, Section 1299.03, and in accordance with Public Resources Code Section 4291.

(c) *Defensible space for outbuildings.* All persons who have any ownership or possessory interest in or control of any parcel within the Fire District shall comply with the defensible space requirements of subsection (b), above, with respect to any outbuildings on the parcel that are within one hundred feet of a structure or attached deck on the parcel.

(d) *Roadside vegetation.* All persons who have any ownership or possessory interest in or control of any parcel within the Fire District that abuts a fire apparatus access road shall:

(1) Remove all hazardous vegetation that is within ten feet, measured horizontally, from the paved edge of the fire apparatus access road.

(2) Ensure that all portions of any tree overhanging a fire apparatus access road has at least thirteen feet fix inches, measured vertically, of clearance from the roadway surface.

(e) *Fences.* No person who has any ownership or possessory interest in or control of any parcel within the Fire District shall construct or allow to be constructed or placed on the parcel any screen, fence or other structure made, in whole or in part, of bark, mulch, or wood chips within one hundred feet of a Structure or within ten feet of the paved edge of a fire apparatus access road.

(f) *Environmental concerns.* Compliance with the fuel mitigation requirements of this chapter shall not result in the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters. When these or other conditions make it impractical to comply with the fuel mitigation requirements, the person who owns, leases, or controls the parcel or parcels shall request that the Fire Code Official grant a modification of the requirements.

(Ord. No. 2023-07, § 3, 4-4-23)

84-90.008 Sale or transfer of property.

Before the close of escrow on the sale of any parcel within the Fire District, the seller shall provide to the buyer documentation from the Fire Code Official stating that the property is currently in compliance with the fuel mitigation requirements of this chapter. The Fire Code Official shall have the discretion to accept alternate means and measures to achieve compliance if completion of the required work will delay the sale or transfer of the property.

(Ord. No. 2023-07, § 4, 4-4-23)

84-90.010 Fuel breaks.

(a) *Fuel break requirement.* To reduce the risk of uncontrolled wildfire, fuel breaks are required on all parcels in the Fire District. A fuel break requires the removal or modification of fuel, maintained on an annual basis by June 1 of each year, or on a recurring basis as determined by the Fire Code Official, in a manner that will prevent the transmission of fire.

(b) *Fuel break standards.* A person who owns, leases, or controls one or more parcels within the Fire District shall comply with following fuel break standards for each parcel.

(1) *Parcels of five acres or less.* The parcel shall be maintained in accordance with the following requirements:

(A) Annual grasses and weeds shall be maintained at a height of no more than three inches. Weeds and grasses must be mowed, with material mulched and scattered or raked and bagged, and removed from the property, or disced. All discing work, including discing to establish fuel breaks, shall be completed so that all weeds, grasses, crops and other vegetation or organic material, which could be expected to bum, shall be completely turned under to the point that there is not sufficient exposed fuel to maintain or allow the spread of fire. Parcels may require additional abatement during the season due to the regrowth of weeds and other flammable vegetation.

(B) All hazardous vegetation shall be removed.

(C) All non-irrigated brush shall be removed.

(D) All combustible material shall be removed.

(E) All dead, diseased, or dying trees within one hundred feet of an occupied structure shall be removed.

(F) All ladder fuel(s) shall be removed from trees so that foliage, twigs, or branches are a minimum of six feet above the ground, or higher based on site and slope conditions.

(2) *Parcels greater than five acres.* The parcel shall be maintained with thirty-foot fuelbreaks and fifteen-foot crossbreaks. Fuelbreaks and crossbreaks are a continuous strip of disced or dozed ground following as closely as possible to the property line, and along one side of all fencelines, ditches, and on top of all ridgelines. Crossbreaks should divide the parcel into approximately five-acre sections. Fencelines may require handmowing or weedeating to ensure completion of fuelbreak. When terrain is too steep or rugged for a tractor, a handmowed fuelbreak may be required. All cut material must be mulched and scattered or raked, bagged and removed from parcel. Where thirty-foot fuelbreaks are required, they shall be provided around all structures, combustible storage, trees, shrubs and brush, along ridgelines, fencelines, ditches, and along the sides of, but not in, creeks.

(3) All parcels.

(A) Fuelbreaks along roadways are required as part of the property line. Road rights-of-way shall be cleared to a minimum of ten feet horizontally from the edge of driving surface and thirteen feet six inches vertically.

(B) Active pastureland shall be provided with fifteen-foot wide fuelbreaks and crossbreaks if a sufficient number of animals are present to steadily reduce height of grasses during the summer months to three inches or less by the end of August, irrespective of parcel size. If this requirement cannot be met, thirty-foot fuelbreaks and crossbreaks shall be required.

(C) Active cropland shall be provided with fifteen-foot fuelbreaks or crossbreaks if the crop is to be harvested by mid-June. If there is to be a later harvest, thirty-foot fuelbreaks shall be required.

(D) Orchards are to be maintained by complete abatement, including grasses under tree branches. This may require pruning of lower branches to allow equipment access.

(E) Tree litter (eucalyptus leaves and bark, coniferous needles, leaves, fallen branches, etc.) shall be removed from the base of trees, tree stems, and limbs within six feet of the ground and maintained throughout the fire season.

(F) All debris, rubble, junk, piles of dirt, and other obstructions, that would obstruct or impede vehicles or equipment used for abatement work or fire suppression operations, must be removed.

(G) If the Fire Code Official requires mowed fuelbreaks and crossbreaks, mowed fuelbreaks shall be sixty feet wide and mowed crossbreaks shall be thirty feet wide.

(c) Multiple contiguous parcels owned by the same person may be treated as a single parcel, upon request of the owner, lessee or person in control of the parcel and with the approval of the Fire Code Official, if a fuel break is provided based on the size of the combined parcels.

(d) *Environmental concerns.* Creation of fuel breaks shall not result in the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters. When these or other conditions make it impractical to create and maintain a required fuel break, the person who owns, leases, or controls the parcel or parcels shall request a modification of the fuel break requirement.

(Ord. No. 2023-07, § 5, 4-4-23)

84-90.012 Abatement of exterior fire hazards.

(a) Exterior fire hazard control—General.

(1) *Jurisdictional authority.* The Board of Directors, as the supervising, legislative, and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties, and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code ("Part 5"), to clear or order the clearing of rubbish, litter, or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of Part 5 and this chapter.

(2) *Retention of jurisdictional authority.* If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to Part 5.

(3) *Contract for services.* The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work,

(4) *Public nuisance.* The Board hereby declares that all fire hazards, including weeds growing upon private property or streets and all rubbish on private property, easements or streets in the Fire District, are public nuisances.

(b) Fire hazard abatement.

(1) *Prohibition.* No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the Fire Chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

(2) *Specific requirements.* The Fire District may develop additional abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. These standards may be modified periodically as circumstances dictate.

(3) *Clearance of weeds from streets.* The Fire Code Official is authorized to cause areas within ten feet (3048 mm) on each side of portions of streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

(c) Abatement procedures.

(1) *Abatement order.* The Fire Code Official may order the abatement of a fire hazard. On making the order, the Fire Code Official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the Fire Code Official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than fifteen days prior to the date of the abatement hearing.

Copies of the notice will be headed with the words "Notice to Abate Fire Hazard" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE FIRE HAZARD

You are hereby notified that (describe condition, e.g., weeds and rubbish) constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the (describe condition, e.g., weeds and rubbish) within fifteen (15) days from the date of this notice. If you fail to do so, the Jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Directors has declared that (describe condition, e.g., weeds and rubbish) constitute a public nuisance.

You may appear before the Board of Fire Commissioners on (time and date) at (place - room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

(2) *Hearing date.* A date for hearing on the notice will be sent at least fifteen days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or the property owner's~~his~~ agent may appear to show cause why the order should not be enforced. For good cause

shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

(3) *Contract award.* If the owner fails to comply with the order, the Fire Code Official may have the (describe condition, e.g., weeds and rubbish) abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Directors and the involved contractor.

(4) *Abatement report of costs.* The Fire Code Official or the Fire Code Official's ~~his or her~~ designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. The lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

(5) *Cost assessments.* Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

(6) *Alternate mitigation.* In lieu of ordering abatement, the Fire Code Official may order the preparation of firebreaks and fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks and fuelbreaks, the Fire Code Official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedures set forth above for the abatement of weeds and rubbish apply to the preparation of firebreaks and fuelbreaks.

(Ord. No. 2023-07, § 6, 4-4-23)

Chapter 84-92 HE-C HOUSING ELEMENT CONSISTENCY DISTRICT

Article 84-92.2 General

84-92.202 Purpose.

This chapter establishes the HE-C zoning district and, in conjunction with Ordinance No. 2024-03, rezones certain parcels to the HE-C district to implement portions of the Housing Element of the Contra Costa County General Plan, in accordance with State Housing Element Law (Gov. Code, § 65580 et seq.). Parcels zoned to an HE-C district and identified in this chapter are those identified on the sites inventory for the County's 6th Cycle Housing Element (2023-2031). This chapter enables residential development of identified parcels at densities identified in and consistent with the County's Housing Element.

(Ord. No. 2024-02, § II, 1-16-24)

84-92.204 General provisions.

All land within an HE-C district may be used for any of the uses specified in this chapter, under the regulations set forth in this chapter.

Article 84-92.4 Uses

84-92.402 Uses—Allowed.

The following uses are allowed in an HE-C district:

(1) Residential buildings developed at parcel-specific densities listed in Section 84-92.602.

(2) A use listed in Section 84-50.402 or 84-52.402(1) on parcels designated as mixed-use sites in Section 84-92.602, as long as the use is co-located with a residential building developed at that parcel's density listed in Section 84-92.602. For purposes of this subsection, the term "co-located" means two or more uses proposed for development on one or more contiguous parcels that are under common ownership.

(3) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where no more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff.

(4) A small family child care home or a large family child care home, as those terms are defined in California Code of Regulations, Title 22, Section 102352(f)(1), that has obtained all required state and local agency approvals and licenses.

(5) Accessory dwelling units and junior accessory dwelling units in compliance with the provisions of Chapter 82-24.

(6) Supportive housing, as defined in Section 82-4.324, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.

(7) Transitional housing, as defined in Section 82-4.326, operated by a person with all required state and local agency approvals and license, where not more than six persons reside.

(Ord. No. 2024-02, § II, 1-16-24)

84-92.404 Uses with a land use permit.

The following uses may be allowed in an HE-C district upon the issuance of a land use permit:

(1) Charitable and philanthropic institutions.

(2) Churches and religious institutions and parochial and private schools.

(3) Community buildings, clubs, and activities of a quasi-public, social, fraternal or recreational character.

(4) Publicly-owned buildings, structures, parks, and playgrounds.

(5) A child care center, as the term is defined in California Code of Regulations, Title 22, Section 101152(c)(7), that has obtained all required state and local agency approvals and licenses.

(6) Supportive housing, as defined in Section 82-4.324, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.

(7) Transitional housing, as defined in Section 82-4.326, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.

(Ord. No. 2024-02, § II, 1-16-24)

Article 84-92.6 Standards

84-92.602 Rezoning and density standards.

The following parcels listed in the Housing Element Sites Consistency Table are rezoned to the HE-C district. The following parcel-specific density standards, including whether a mixed use is allowed, apply to parcels within the HE-C district:

Housing Element Sites Consistency Table

Assessor's Parcel Number (APN)	Minimum Density (units/acre)	Maximum Density (units/acre)	Mixed Use Allowed
003120008	17	30	No
003120009	17	30	No
004182008	17	35	Yes
008010039	17	35	Yes
011220039	30	60	No
011230041	7	17	No
093036010	22	40	Yes
093036014	22	40	Yes
093036015	22	40	Yes
093121001	17	30	No
093170018	75	125	Yes
093170021	75	125	Yes
093170022	75	125	Yes

093170056	30	60	No
093170069	75	125	Yes
093170071	75	125	Yes
093170074	75	125	Yes
093191025	22	40	Yes
093192026	7	17	No
093193002	7	17	No
093193035	7	17	No
095010010	75	125	Yes
095021002	17	30	No
095022025	22	40	Yes
095022026	22	40	Yes
095022027	22	40	Yes
095034002	22	40	Yes
095071010	7	17	No
095075025	7	17	No
095081020	22	40	Yes
095081023	22	40	Yes
095083023	22	40	Yes
095084025	7	17	No
095101001	7	17	No
095101002	7	17	No
095102003	7	17	No
095102020	7	17	No
095107015	7	17	No
096012008	17	30	No
096012009	17	30	No
096015011	17	30	No
096015015	17	30	No
096015016	17	30	No
096016002	17	30	No
096016003	17	30	No
096016005	17	30	No
096016013	17	30	No
096016018	17	30	No
096017008	17	30	No
096018007	17	30	No
096018015	17	30	No
096019017	17	30	No
096019025	22	40	Yes
096020022	17	30	No
096020039	17	30	No
096020042	17	30	No
096020062	17	30	No
096020082	22	40	Yes
096020093	17	30	No
096020173	17	30	No

096031018	30	60	No
096031019	30	60	No
096032011	22	40	Yes
096032016	22	40	Yes
096032028	22	40	Yes
096032032	22	40	Yes
096033035	17	30	No
096033037	22	40	Yes
096033039	22	40	Yes
096041001	17	30	No
096041013	17	30	No
096041026	17	30	No
096042020	17	30	No
096043002	17	30	No
096044002	17	30	No
096044003	17	30	No
096044007	17	30	No
096050011	17	30	No
096050012	17	30	No
096050013	17	30	No
096050014	17	30	No
098052053	7	17	No
098180005	7	17	No
098180041	7	17	No
098180043	7	17	No
098230023	7	17	No
125071011	17	30	No
125071012	17	30	No
125130018	22	40	Yes
125130020	22	40	Yes
125140005	22	40	Yes
125155021	22	40	Yes
148221033	75	125	Yes
148350009	30	60	No
148350010	30	60	No
148350011	30	60	No
148350020	30	60	No
159210004	30	60	No
159210039	30	60	No
159210042	30	60	No
159210043	30	60	No
159240005	0	1	No
172040025	75	125	Yes
172040026	75	125	Yes
172040034	75	125	Yes
172040035	75	125	Yes
172120002	30	60	No

172120003	30	60	No
172120004	30	60	No
172120005	30	60	No
172120006	30	60	No
172120007	30	60	No
172120008	30	60	No
172120009	30	60	No
172120010	30	60	No
172120011	30	60	No
172120012	30	60	No
172120013	30	60	No
172120025	30	60	No
172120027	30	60	No
172120028	30	60	No
172120051	30	60	No
172120052	30	60	No
191062022	7	17	No
191080001	7	17	No
191093043	30	75	Yes
191093044	30	75	Yes
197030001	7	17	No
197030026	17	30	No
197030027	17	30	No
197040011	7	17	No
197040012	7	17	No
354030013	0	1	No
354072003	17	27	Yes
354094009	17	27	Yes
354173009	17	30	No
354173010	17	30	No
354177007	17	30	No
357042016	17	35	Yes
357052002	17	35	Yes
357081003	17	35	Yes
357101002	17	35	Yes
357111010	17	35	Yes
357120002	17	35	Yes
357120003	17	35	Yes
357140010	17	35	Yes
357140016	17	35	Yes
357140045	17	35	Yes
357161001	17	35	Yes
357161002	17	35	Yes
357161006	17	35	Yes
357161013	17	35	Yes
357171002	17	35	Yes
357171008	17	35	Yes

357171010	17	35	Yes
357171019	17	35	Yes
357171020	17	35	Yes
357194001	7	17	No
357196012	7	17	No
357371013	7	17	No
380120066	7	17	No
380194010	22	35	Yes
403020009	17	30	No
403020013	17	30	No
403030005	17	35	Yes
403211024	17	35	Yes
403211026	17	35	Yes
403211027	17	35	Yes
403482043	17	30	No
403482044	17	30	No
405203018	17	30	No
408160016	17	30	No
409011012	17	30	No
409021007	17	30	No
409021008	17	30	No
409021010	17	30	No
409021027	17	30	No
409021028	17	30	No
409021032	17	30	No
409021034	17	30	No
409021037	17	30	No
409021040	17	30	No
409021041	17	30	No
409031004	17	30	No
409032013	17	30	No
409032015	17	30	No
409032019	17	30	No
409033001	17	30	No
409033012	17	30	No
409033023	17	30	No
409033025	17	30	No
409041006	17	30	No
409042014	17	30	No
409042021	17	30	No
409042022	17	30	No
409051002	17	30	No
409051008	17	30	No
409052001	17	30	No
409052003	17	30	No
409052009	17	30	No
409060009	17	30	No

409060013	17	30	No
409060018	17	30	No
409060029	17	30	No
409060043	17	30	No
409060044	17	30	No
409080005	17	30	No
409100004	17	30	No
409110007	17	30	No
409120005	17	30	No
409120011	17	35	Yes
409120012	17	30	No
409131003	17	30	No
409131010	17	30	No
409131014	17	30	No
409131015	17	30	No
409132002	17	30	No
409132007	17	35	Yes
409132016	17	30	No
409141006	17	30	No
409141012	17	30	No
409142005	17	30	No
409142012	17	30	No
409142014	17	30	No
409142015	17	30	No
409142016	17	30	No
409151005	17	30	No
409151011	17	30	No
409152002	17	35	Yes
409152007	17	30	No
409161001	17	35	Yes
409161003	17	35	Yes
409161008	17	30	No
409162008	17	30	No
409162018	17	30	No
409162024	17	30	No
409162025	17	30	No
409171012	17	30	No
409171015	17	30	No
409171023	17	30	No
409171024	17	30	No
409172017	17	30	No
409172027	17	30	No
409172028	17	30	No
409181008	17	30	No
409182002	17	35	Yes
409182020	17	30	No
409182023	17	35	Yes

409182024	17	35	Yes
409191001	17	35	Yes
409191009	17	35	Yes
409191013	17	35	Yes
409192001	17	30	No
409200009	17	30	No
409200015	17	30	No
409200016	17	30	No
409200024	17	30	No
409200025	17	30	No
409210011	17	30	No
409210020	17	30	No
409210021	17	30	No
409210022	17	30	No
409210023	17	30	No
409210024	17	30	No
409210025	17	30	No
409210026	17	30	No
409220006	17	30	No
409220007	17	30	No
409220008	17	30	No
409230015	17	30	No
409240017	17	35	Yes
409240019	17	35	Yes
409240029	17	30	No
409240030	17	30	No
409251019	17	30	No
409251020	17	30	No
409251021	17	30	No
409251022	17	30	No
409252008	17	30	No
409261009	17	35	Yes
409261012	17	35	Yes
409261013	17	35	Yes
409261015	17	30	No
409261016	17	30	No
409271005	17	30	No
409271007	17	30	No
409271011	17	35	Yes
409271021	17	30	No
409271025	17	30	No
409272007	17	30	No
409272009	17	30	No
409272010	17	30	No
409281001	17	30	No
409281011	17	35	Yes
409281014	17	30	No

409282005	17	30	No
409282006	17	35	Yes
409282019	17	35	Yes
409291008	17	30	No
409291009	17	30	No
409292001	17	30	No
420010001	10	30	Yes
420010002	10	30	Yes
420090029	7	17	No
420140003	10	30	Yes
420150030	10	30	Yes
420150033	10	30	Yes
420184015	10	30	Yes
420192018	3	7	No
420192037	10	30	Yes
420192042	10	30	Yes
420192043	10	30	Yes
425023011	7	17	No
425040016	7	17	No
425040024	7	17	No
425061012	7	17	No
425061032	7	17	No
425061033	7	17	No
425061034	7	17	No
425072024	7	17	No
425100054	10	30	Yes
425100056	10	30	Yes
425142015	7	17	No
425160015	10	30	Yes
425170030	10	30	Yes
425200006	10	30	Yes
425210037	10	30	Yes
425210039	10	30	Yes
425210042	10	30	Yes
425230017	10	30	Yes
425230035	10	30	Yes
425230036	10	30	Yes
425230037	10	30	Yes
425230038	10	30	Yes
425240041	10	30	Yes
425251006	10	30	Yes
425252045	10	30	Yes
425252048	10	30	Yes
426070020	3	7	No
426261060	10	30	Yes
430012022	3	7	No
430152062	10	30	Yes

431010010	17	30	No
431010011	17	30	No
431020017	17	30	No
431070027	3	7	No
433060014	10	30	Yes
435070008	17	30	No
435080005	17	30	No
435171006	3	7	No
520032002	10	30	Yes
520042013	10	30	Yes
520050001	10	30	Yes
520062001	10	30	Yes
520070004	10	30	Yes

(Ord. No. 2024-02, § II, 1-16-24)

84-92.604 Development standards.

A building or structure permitted in an HE-C district shall meet the following development standards. The specific standards that apply to a development type are based on the allowable density range assigned to the underlying parcel in Section 84-92.602.

HE-C DENSITY CATEGORY						
Development Type	Density Range (units/acre)	Minimum Yard Setbacks (in feet)			Maximum Building Height (in feet)	Maximum Lot Coverage
		Front	Side	Back		
Residential Low	1 3—7	10	5	15	35	50%
Residential Medium	7—17 17—30	10	5	15	45	50%
Mixed-Use Medium	10—30 17—27 17—35 22—35 22—40	10	5	15	50	50%
Residential High	30—60	10	5	15	65	70%
Mixed-Use High	30—75 75—125	10	5	15	65	70%

(Ord. No. 2024-02, § II, 1-16-24)

Article 84-92.8 Development Plans

84-92.802 Development plan required.

A development is not allowed in an HE-C district until a development plan for it has been submitted to and approved by the County.

(Ord. No. 2024-02, § II, 1-16-24)

84-92.804 Application.

All development plan applications shall include drawings drawn to scale indicating the following:

(1) Topography.

(2) A boundary survey of the site.

(3) All existing and proposed structures, the height of each structure, and the number of dwelling units in each structure.

(4) Planting and landscape area.

(5) Automobile parking areas.

(6) Vehicular and pedestrian ways with grades, widths, and type of proposed improvements.

(7) Access points providing ingress to and egress from the site.

(8) Existing and proposed utilities.

(9) Recreation facilities, if any.

(10) Surface drainage conditions and outlets.

(11) Building elevations including architectural type.

(12) Quantity of studio, one-bedroom, two-bedroom, or other size multiple-family building units, if any.

(13) Additional information as may be required, including a statement explaining how the proposed plan is consistent with and will further the goals and objectives of the General Plan, including but not limited to its Housing Element.

(Ord. No. 2024-02, § II, 1-16-24)

84-92.806 Development plan processing.

(a) Except as otherwise provided for in subsection (b), a development plan application will be processed according to this subsection (a).

(1) *Review.* The planning agency division with authority to hear the matter will review a development plan application at a public hearing. Hearings will be held in accordance with Article 26-2.22, with notice provided pursuant to Section 26-2.2004.

(2) *Approval.* Before approving a development plan application, the planning agency division must find that the proposed development is consistent with the purpose of this district and that it is compatible with other uses in the vicinity, both inside and outside the district.

(3) *Changes.* Changes to an approved development plan or its conditions of approval may be approved by the same planning agency division after review, for which the planning agency division may schedule a public hearing.

(4) *Conditions.* The planning agency division may impose reasonable conditions and limitations in addition to the requirements listed in this chapter, to carry out the purpose of this district.

(5) *Appeals.* The denial or approval of a development plan or change thereto may be appealed pursuant to Article 26-2.24.

(b) A development plan application for a proposed development that meets all of the following requirements will be approved ministerially without discretionary review or public hearing in accordance with Government Code section 65583.2(h).

(1) The proposed development is an owner-occupied or rental multi-family residential development.

(2) Twenty percent or more of the units in the proposed development will be made affordable to lower income households, as defined in Health and Safety Code section 50079.5.

(3) The proposed development complies with the parcel-specific density listed in Section 84-92.602, and with all development standards in Section 84-92.604.

(Ord. No. 2024-02, § II, 1-16-24)

Article 84-92.10 Land Use and Variance Permits

84-92.1002 Land use and variance permits—Granting.

Land use permits for the uses enumerated in Section 84-92.404, and variance permits to modify the development standards in Section 84-92.604, may be granted in accordance with this chapter and Article 26-2.20.

(Ord. No. 2024-02, § II, 1-16-24)

Division 86 AIRPORTS

Chapter 86-2 AIRPORT ESTABLISHMENT

Article 86-2.2. General

86-2.202 Short title.

This chapter shall be known and may be cited as the airport land use ordinance of Contra Costa County.

(Ord. 84-56 § 1 (part): prior code § 8200: Ord. 525).

86-2.204 Purpose.

This chapter is adopted under the Conservation and Planning Act of the State of California and Sections 26027 and 26028 of the Government Code of the State of California, to provide for the establishment of airports and heliports as conforming uses in suitable areas in the unincorporated territory of this county. The board of supervisors deems it necessary to create an airport land use zoning chapter to promote the health, safety and general welfare of the inhabitants of this county by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of public and private airports and heliports and of the occupants of the land in the vicinity of these aviation facilities.

(Ord. 84-56 § 1 (part): prior code § 8201: Ord. 525).

Article 86-2.4. Definitions

86-2.402 General.

Unless otherwise specifically provided, or required by the context, the terms defined in this article have these meanings for the purposes of this chapter.

(Ord. 84-56 § 1 (part)).

86-2.404 Airport.

"Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft.

(Ord. 84-56 § 1 (part)).

86-2.406 Public use airport.

"Public use airport" means a publicly or privately owned airport that allows or offers the use of its facilities by or to the public without prior notice or special invitation or clearance.

(Ord. 84-56 § 1 (part)).

86-2.408 Private use airport.

"Private use airport" means a privately owned airport not open to the general public.

(Ord. 84-56 § 1 (part)).

86-2.410 Expansion.

"Expansion" means any construction of a new runway or the extension or realignment of an existing runway, addition of ancillary uses, change from private to public use, or the addition of airplane hangars, tie-downs, or other storage facilities.

(Ord. 84-56 § 1 (part)).

86-2.412 Aircraft.

"Aircraft" means any manned contrivance used or designed for navigation of, or flight in, the air including, but not limited to, fixed wing, auto-gyro, ultra-lights, experimental aircraft, blimps and gliders. Manned lighter-than-air balloons shall not be considered aircraft.

(Ord. 84-56 § 1 (part)).

86-2.414 Heliport.

"Heliport" means any area of land, water or structure, set aside for the landing and taking off of helicopters.

(Ord. 84-56 § 1 (part)).

Article 86-2.6. Planning Commission

86-2.602 Authority.

When proposed in its territorial area of jurisdiction, the involved county or area planning commission shall:

(1) Hear and formulate recommendations to the board on applications for approval of construction plans, for the purposes of compliance with Government Code § 21661.5 (regarding approval of construction plans) and applications for approval of land acquisition plans for the purposes of compliance with Government Code §21661.6 (regarding acquisition of unincorporated territory by a public agency for expansion of an existing publicly owned airport).

(2) Hear and decide all requests for land use permits under this chapter.

(Ord. 84-56 § 1 (part)).

Article 86-2.8. Location

86-2.802 Suitable areas.

(a) Notwithstanding the provisions of Division 82, an airport or heliport may be located within any area zoned agricultural (A-), light industrial (L-I), heavy industrial (H-I), water-recreational (F-1), planned unit development (P-1), unrestricted (U), or controlled manufacturing (C-M).

(b) The board finds that areas not zoned as specified in this section are not suitable for airports, heliports or aviation facilities.

(Ord. 84-56 § 1 (part): prior code § 8203: Ord. 525).

86-2.804 Exceptions.

County-owned or city-owned airports and heliports are exempt from the permit requirements of this chapter. Heliports operated by public agencies for the maintenance and protection of the general health, safety and welfare of the residents of Contra Costa County are exempt from the permit and location requirements of this chapter.

(Ord. 84-56 § 1 (part)).

86-2.1002 Requirement.

No person shall establish, maintain or expand an airport or heliport in this county without first obtaining a land use permit. Except as provided in this chapter, no airport or heliport use is lawful until a land use permit for it has been approved by the planning commission.

(Ord. 84-56 § 1 (part)).

86-2.1004 Areas.

Applications may be made for this chapter's land use permits where the involved land and premises are covered by the regulations of Divisions 82 and 84 and located in the A- , L-1, H-1, F-1, P-1, U or C-M zoning districts.

(Ord. 84-5 6 § 1 (part)).

86-2.1006 Applications.

All applications for permit approval shall include the following:

(1) Scale drawings and plans showing:

(A) Airport or heliport layout plans indicating proposed runways, taxiways, aircraft tie-down areas, hangars, and other proposed buildings and improvements,

(B) The boundary of the site, existing topography, grading proposed to accommodate airport construction and improvements, and the distance to nearby structures and utility lines;

(2) A vicinity map showing the airport or heliport location on a USGS quadrangle map and any other airport locations within three miles;

(3) A written description of the length of runways, the number and type of aircraft to be based at the airport or heliport, hours of operation, any proposed lighting, and whether the airport is proposed for public use or private use.

(Ord. 84-56 § 1 (part)).

86-2.1008 Review.

Pursuant to this chapter, the involved planning commission shall review land use permit applications for approval, modification or denial in public hearing pursuant to and otherwise regulated by the land use permit provisions of Chapters 26-2 and 82-6.

(Ord. 84-56 § 1 (part)).

Chapter 86-4 AIRPORT ZONING

86-4.002 Short title.

This chapter shall be known and may be cited as the Buchanan Field airport zoning ordinance of Contra Costa County.

(Ord. 84-56 § 2: prior code § 8210: Ord. 976).

86-4.004 Purpose of chapter.

Under the authority conferred by the Conservation and Planning Act of the state of California and in conformity with regulations and standards of the Civil Aeronautics Administration of the United States Department of Commerce, the board of supervisors deems it necessary to create an Airport zoning chapter to promote the health, safety and general welfare of the inhabitants of this county by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the Contra Costa County Airport (Buchanan Field) and of the occupants of the land in its vicinity, and preventing destruction or impairment of the utility of the airport and the public investment in it, in accordance with and as a part of the comprehensive master plan of airports of this county.

(Prior code § 8211: Ord. 976).

86-4.006 Definitions.

As used in this chapter, unless the context otherwise requires, the following words and phrases shall have the meanings given in this section:

(1) "Airport" means the Contra Costa County Airport, Buchanan Field.

(2) "Airport hazard" means any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or which is otherwise hazardous to the landing or take-off of aircraft.

(3) "Landing area" means the area of the airport used for the landing, take-off, or taxiing of aircraft.

(4) "Noncommercial" use means any structure, tree, or use of land which does not conform to a regulation prescribed in this chapter, as of the effective date of the regulation.

(5) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

(6) "Structure" means any object constructed or installed by human labor, including, but not limited to, buildings, towers, smokestacks, and overhead transmission lines.

(7) "Tree" means any object of natural growth.

(Prior code § 8212: Ord. 976).

86-4.008 Application of chapter.

The provisions of this chapter shall apply only in areas within the airport approach zones, turning zones, and transition zones within the unincorporated limits of the county.

(Prior code § 8223: Ord. 976).

86-4.010 Conflicting regulations.

In the event of conflict between this chapter and any other regulations applicable to the same area or parcel of land, whether the conflict be with respect to the height of structures or trees, the use of land, or any other

matter and whether the other regulations were adopted by the county or by some other public agency, the more stringent limitations or requirements shall govern.

(Prior code § 8224: Ord. 976).

86-4.012 Adoption of land use map for Buchanan Field.*

In order to carry out the purposes of this chapter, all of the land outside the boundaries of the Contra Costa County Airport (Buchanan Field) and within approximately two miles of the landing area of the airport is divided into airport approach zones, airport turning zones, airport transition zones, and airport clear zones, the boundaries of which are shown on the "Airport Zoning Plan for Buchanan Field, Contra Costa County, California," adopted under Title 7 of the Government Code and the "Airport Approaches Zoning Law" of the state of California.

A map entitled "The Airport Zoning Plan for Buchanan Field, Contra Costa County, California," is referred to, and included herein to the same effect as though it were at this place set forth, and is made a part of this chapter.

(Prior code § 8213: Ord. 976).

* The map adopted by reference in this section was adopted and published in the regular manner, but is not printed with this code. A copy of this map is available for public inspection in the county planning department.

86-4.014 Height limits.

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained in any airport approach zone, airport turning zone, or airport transition zone to a height greater than the height limit established in this section for that zone. For the purpose of this regulation, the following height limits are established for each zone:

(1) Approach Zones Nos. one, two, three, and four shall have a maximum height limit of twenty feet at a distance of one thousand feet from the end of the runway. The maximum allowable height shall be increased in step-ups of five feet each for every two hundred foot segment added to the one thousand foot distance from the end of the runway, to a maximum height of one hundred fifty feet.

(2) Approach Zones Nos. five and six shall have a maximum height limit of twenty feet at a distance of six hundred feet from the end of the runway. The maximum allowable height shall be increased in step-ups of five feet each for every hundred foot segment added to the six hundred foot distance from the end of the runway, to a maximum height of one hundred fifty feet.

(3) All turning zones shall have a maximum height limit of one hundred fifty feet, except that portion of the turning zone marked on the Airport Zoning Plan for Buchanan Field, Contra Costa County, California, as "not included in turning zone."

(4) All transition zone areas shall have the maximum height limit indicated on the airport zoning plan for Buchanan Field, Contra Costa County, California.

(Prior code § 8214: Ord. 976).

86-4.016 Use restrictions.

Notwithstanding any other provisions of this chapter, no use shall be made of land within any airport approach zone, airport turning zone, or airport transition zone in a manner to:

(1) Create electrical interference with radio communication between the airport and aircraft;

(2) Make it difficult for flyers to distinguish between airport lights and other lights;

(3) Result in glare in the eyes of the flyers using the airport;

(4) Impair visibility in the vicinity of the airport;

(5) Otherwise endanger the landing, take-off, or maneuvering of aircraft.

(Prior code § 8215: Ord. 976).

86-4.018 Nonconforming uses.

The regulations prescribed in Sections 86-4.014 and 86-4.016 shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of February 9, 1956, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this chapter shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun before February 9, 1956, and is diligently prosecuted and completed within two years.

Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the board of adjustment authorizing the replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on February 9, 1956, or than it was when the application for permit is made. Except as provided in this section, all applications for permits shall be granted. No permit shall be required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of the existing structure.

(Prior code § 8216: Ord. 976).

86-4.020 Variances.

Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use the person's ~~his~~ property otherwise than is required in this chapter may apply to the board of adjustment for a variance from the regulation. The variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this chapter. Any variance may be subjected to reasonable conditions that the administrative agency may deem necessary to effectuate the purpose of this chapter.

(Prior code § 8217: Ord. 976).

86-4.022 Hazard marking and lighting.

Any variance granted under Sections 86-4.018 or 86-4.020, if the action is deemed advisable to effectuate the purpose of this chapter and reasonable in the circumstances, may be conditioned to require the owner of a structure or tree to permit the county, at its own expense, to install, operate, and maintain thereon the markers and lights necessary to indicate to flyers the presence of an airport hazard.

(Prior code § 8219: Ord. 976).

86-4.024 Planning commission powers.

In addition to the powers delegated in Section 86-4.020, the planning commission shall have the following specific powers:

To make changes in the restrictions and boundaries of the zones established in this chapter, in accordance with the procedure prescribed for amendments and reclassification in Title 7 of the Government Code of the state of California.

(Prior code § 8218: Ord. 976).

86-4.026 Administrative agency.

The building inspector shall administer and enforce this chapter. The duties of the building inspector shall include that of reviewing all applications for building permits within the approach zones, turning zones, and transition zones of the Contra Costa County Airport (Buchanan Field), but the building inspector shall not have or exercise any of the powers or duties delegated to the planning commission.

(Prior code § 8220: Ord. 976).

86-4.028 Nuisance abatement.

If any person erects, constructs, moves, alters, or attempts to erect, construct, move, or alter any structure or allows any tree to grow to a height in violation of this chapter, the condition is declared a public nuisance. The district attorney, when ordered by the board of supervisors, shall bring and prosecute an action in any court of competent jurisdiction to enjoin that person from continuing the erection, construction, moving, alteration, or growth, or if the erection, construction, moving, alteration, or growth is being or has been accomplished, the district attorney, when ordered by the board of supervisors, shall bring action to enjoin that person from maintaining the nuisance.

(Prior code § 8221: Ord. 976).

Division 88 SPECIAL LAND USES

Chapter 88-2 CEMETERIES

Article 88-2.2. Permits

88-2.202 Permit—Required.

No person shall dedicate, establish or maintain any cemetery, as defined in Section 82-4.218, or extend the boundaries of any existing cemetery at any place within the unincorporated territory of the county without first obtaining a permit as specified in this chapter.

(Ord. 1513: prior code § 8315).

88-2.204 Permit—Granted to existing cemeteries.

(a) Cemeteries: Any premises which on March 18, 1961, are dedicated and established as a cemetery are granted a permit for the purposes of Sections 88-2.202 and 88-2.204.

(b) Other Authorized Uses: Any premises which on March 18, 1961, are dedicated and established as a cemetery and on which any building or structure has been erected for the uses specified in Section 88-2.604 are granted a permit for such building and structures for the uses established on that date.

(Ord. 1513: prior code § 8316).

88-2.206 Permit—Authorized in only certain land use districts.

An application may be made and a land use permit may be granted for the establishment of a cemetery in land use districts established by Division 84, except that no application shall be accepted or permit granted for premises located in A-O, N-B, R-B, C, C-M, L-I, and H-I districts.

(Ord. 1513: prior code § 8319).

88-2.208 Permit—Assignment.

No permit shall be assignable before the actual establishment of the cemetery or extension of an existing cemetery, nor shall the permit be used by any person other than the applicant or applicants in the establishment of a cemetery or extension of an existing cemetery.

(Ord. 1513: prior code § 8323).

Article 88-2.4. Applications

88-2.402 Application—Information requirements.

(a) Any person desiring to obtain issuance of a permit required by this chapter shall file a written application with the planning commission, which shall administer this chapter.

(b) The president and the secretary of the corporation which will operate the proposed cemetery and the owner or owners of the land to be included in the cemetery shall sign and verify the written application for a permit. The application, in addition to any other matter required by the planning commission, shall set forth in separate paragraphs or in attached exhibits the following information:

(1) The names and addresses of all persons owning any part of the property proposed to be used as a cemetery;

(2) The names and addresses of the officers and directors of the corporation which will operate the cemetery;

(3) A map showing the exact location, exterior boundaries, and legal description of the property proposed to be used as a cemetery; the location and names of all public roads located within one-half mile from the property; the elevation in feet above sea level of the highest and lowest points on the property;

(4) A financial statement of applicant showing the financial ability of applicant to establish, care for, and maintain the proposed cemetery in a manner to prevent it from being or becoming a public nuisance;

(5) A statement setting forth whether the cemetery is to be established as an endowment-care or nonendowment-care cemetery and, if an endowment-care fund is to be or has been created, the

amount then on hand and the method, scheme, or plan of continuing and adding to the fund in details sufficient to show that the cemetery will be maintained so as not to become a public nuisance.

(c) If the application is only submitted for authorization of permitted uses under Section 88-2.604, information required by subdivisions (4) and (5) need not be submitted.

(d) In addition to the notice required by applicable county ordinances governing the procedure for the granting of permits required by this chapter, at least ten days' notice by mail of any hearing on the application shall be given to the Secretary of the State Cemetery Board of California.

(Ord. 1513: prior code § 8320).

88-2.404 Application—Action by board of adjustment or board of supervisors.

(a) In granting any permit, the board of adjustment, or, on appeal, the board of supervisors shall review the location, design, and layout of the proposed cemetery and may condition the permit on requirements as to design, location, layout screening, and design of entrances and exits as the board of adjustment or the board of supervisors finds reasonably necessary to protect the health, safety, and welfare of the people of the county and to protect property values and the orderly and economic development of land in the neighborhood.

(b) A permit shall be denied if the board of adjustment or, on appeal, the board of supervisors finds that:

(1) The establishment or maintenance of the proposed cemetery or the extension of an existing cemetery will or may jeopardize or adversely affect the public health, safety, comfort, or welfare; or

(2) The establishment, maintenance, or extension will or may reasonably be expected to be a public nuisance; or

(3) The establishment, maintenance, or extension will tend to interfere with the free movement of traffic or with the proper protection of the public through interference with the movement of police, ambulance, or fire equipment and thus interfere with the convenience of the public or the protection of the lives and the property of the public; or

(4) The applicant, through the proposed endowment fund or otherwise, cannot demonstrate adequate financial ability to establish or maintain the proposed cemetery so as to prevent the proposed cemetery from becoming a public nuisance; or

(5) The proposed cemetery is not consistent with the general plan of the county or the orderly development and growth of the county.

(c) Before taking final action, the board of adjustment or, on appeal, the board of supervisors may require of the applicant or applicants any reasonable dedication of public streets or highways through the premises proposed to be used for the cemetery or extension of an existing cemetery, so as to prevent the cemetery from jeopardizing the public safety, comfort, or welfare. If the time required by the board of adjustment or board of supervisors for compliance with these conditions elapses before these conditions are met, the board of adjustment or board of supervisors may deny the permit.

(Ord. 1513: prior code § 8321).

88-2.406 Application—Renewal.

If the board of adjustment or the board of supervisors denies its approval of any application heretofore or hereafter made for any permit required by this chapter, no new or further application for a permit shall be made

on the same property or any part of it, as described in the previous application, until one year after the date of the denial or approval.

(Ord. 1513: prior code § 8322).

Article 88-2.6. Uses

88-2.602 Uses—Incidental.

The following uses of the premises are authorized as incidental uses in connection with the operation and maintenance of a cemetery:

(1) An office building for administration of cemetery affairs;

(2) Maintenance sheds or buildings for storage of equipment and supplies used in connection with the maintenance and operation of the cemetery grounds;

(3) Greenhouse for the propagation of plants used in connection with maintenance of the cemetery grounds;

(4) Caretaker's residence.

(Ord. 1513: prior code § 8317).

88-2.604 Uses—Permittable.

In addition to the uses included within the definition of "cemetery" contained in Section 82-4.218, land use permits may be granted, at the time of initial application or by subsequent application, pursuant to the provisions of Sections 26-2.1602 and 26-2.208 for the following uses:

(1) Crematory of calcinatory;

(2) Mortuary;

(3) Sale of markers;

(4) Sale of caskets;

(5) Sale of flowers or decorations;

(6) Manufacture and sale of liners and/or vaults.

(Ord. 1513: prior code § 8318).

Chapter 88-3 WIND ENERGY CONVERSION SYSTEMS

Article 88-3.2. General

88-3.202 Short title.

This chapter shall be known and may be cited as the wind energy conversion system (or WECS) ordinance of Contra Costa County.

(Ord. 85-39 § 4).

88-3.204 Purpose.

This chapter is adopted pursuant to the planning and zoning law to promote the effective and efficient use of wind energy conversion systems (WECS), regulate the placement of, and promote safeguards for, WECS so that the public health, safety, and welfare of the citizens of Contra Costa County will be insured.

(Ord. 85-39 § 4).

88-3.206 Definitions.

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

(a) "Commercial WECS" means a WECS constructed for the purpose of generating electricity for sale to a public or private utility or to an offsite consumer.

(b) "Exterior project boundary" means all property lines that define the boundaries of a parcel upon which at least one commercial WECS is constructed. If a commercial WECS project involves two or more contiguous parcels, then "exterior project boundary" means the property lines that define the outside edge of the entire conglomeration of parcels.

(c) "Machine height" means the vertical distance measured from grade at the base of a WECS to the highest vertical extension of the WECS, including the uppermost extension of any blades. The below-grade portion of the foundation is excluded when measuring machine height.

(d) "Residential WECS" means a WECS that is used only as an accessory to an allowable residential or agricultural use and has a rated capacity of not more than fifty kilowatts.

(e) "Tower height" means the vertical distance measured from grade at the base of a WECS to the top of the fixed portion of the WECS, excluding the wind turbine. The below-grade portion of the foundation is excluded when measuring tower height.

(f) "Wind energy conversion system" and "WECS" mean a machine, such as a wind turbine or windmill, that converts kinetic energy in wind into a usable form of mechanical or electrical energy. "WECS" includes all parts of the conversion system and the tower upon which the system is installed, but does not include power transmission equipment.

(Ord. No. 2011-04, § II, 4-5-11; Ord. 85-39 § 4, prior code §82-4.281).

Article 88-3.4. Permits

88-3.402 Use Permit—Required for commercial WECS.

A person may not establish, maintain, or expand a commercial WECS without first obtaining a land use permit as specified in this chapter, Title 8, and Chapter 26-2.

(Ord. No. 2011-04, § III, 4-5-11; Ord. 85-39 § 4).

88-3.404 Use permit—Residential WECS exempted.

(a) A land use permit is not required to establish, maintain, or expand a residential WECS.

(b) A person may not establish, maintain, or expand a residential WECS without first obtaining a building permit as specified in Title 7.

(c) A residential WECS must comply with all rotor safety, tower access, electromagnetic interference, noise, and color standards specified in this chapter, and must comply with the additional residential WECS standards specified in section 88-3.622.

(Ord. No. 2011-04, § IV, 4-5-11; Ord. 85-39 § 4).

88-3.406 Permit—Authorized only in agricultural districts.

An application may be submitted and a land use permit may be granted for the establishment, maintenance, or expansion of a WECS only in agricultural land use districts established by Division 84 (A-).

(Ord. 85-39 § 4).

88-3.408 Permit—Application.

(a) Any person desiring to obtain issuance of a permit required by this chapter shall file a written application with the community development department, which shall administer this chapter.

(b) The owner of a business, the general partner of a partnership, or the president and secretary of a corporation applying for such a permit and all owners of the land upon which the WECS is or will be located shall sign and verify the application.

(Ord. 85-39 § 4).

88-3.410 Permit—Application compliance.

The application shall comply with the provisions of Article 26-2.20 and Chapter 82-6.

(Ord. 85-39 § 4).

88-3.412 Permit—Information requirements.

The application shall be accompanied by the following:

(a) A site plan including the following in- formation:

(1) Existing topography, trees, and drainage channels,

(2) Direction of prevailing winds across the project site,

(3) Location, height, and dimensions of all existing and proposed structures and fencing,

(4) Location and height above ground of all proposed WECS and aboveground utility lines,

(5) Location, grades, and dimensions of all temporary and permanent on-site roads,

(6) Preliminary grading for all roadways, structures, WECS sites, and other site work,

(7) Distance to all residences, public and private airports and airstrips, schools and any other uses, as determined by the community development director within one mile of all exterior project boundaries;

(b) A scale profile drawing of the subject site and proposed WECS as seen from the nearest public road and the nearest scenic route;

(c) A projection of the annual production (kwh) of the total WECS project at full buildout;

(d) A regrading and revegetation program for temporary roadways no longer needed after project construction:

(e) A preliminary erosion, drainage, and sediment collection and control plan;

(f) A reclamation plan consistent with Article 88-3.8;

(g) The proposed construction access route from the nearest highway;

(h) A statement by a professional engineer registered in California certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice.

(Ord. 85-39 § 4).

88-3.414 Permit—Cash deposit required.

(a) In granting any permit required by this chapter, the zoning administrator shall condition the permit on the permittee making a cash deposit of three thousand dollars. Said deposit shall be used in the investigation and evaluation of any apparently valid complaint of excess noise or a permit violation.

(b) Upon such use of the deposit, the permittee shall restore the balance of the deposit to three thousand dollars.

(c) In the course of reviewing the permit on the fifth anniversary of its issuance, as provided by Section 88-3.420, the zoning administrator may delete this condition and refund the deposit, without interest, to the permittee or its successor in interest, if, in the zoning administrator's discretion, the record warrants such action.

(d) If the zoning administrator refunds said deposit, permittee shall promptly reimburse the county for any cost subsequently incurred by it for any investigation or evaluation of similar complaints.

(Ord. 85-39 § 4).

88-3.416 Permit—Roadway fund required—Repairs.

(a) Where a WECS can be reached only by a county maintained road, in granting a permit required by this chapter the zoning administrator may condition the permit upon the furnishing of a cash deposit to cover the estimated cost of repair of roadway damage resulting from work performed pursuant to the permit.

(b) The director of public works shall determine the amount of the deposit, based on such estimated cost.

(c) The director of public works shall compare pre- and post-work inspections of road conditions and shall determine the needed repairs. The permittee shall be responsible for all costs incurred by the county in performing such repairs.

(d) Upon determination of the actual repair cost, including engineering costs, the county shall refund to the permittee any unused portion of the deposit, or the permittee shall pay the difference between the actual cost and its deposit, as the case may be.

(Ord. 85-39 § 4).

88-3.418 Permit—Approval—Findings.

The zoning administrator, or the division of the planning agency hearing the matter on appeal, shall find the following before granting the permit:

(a) Findings required by Section 26-2.2008 of this code;

(b) That the WECS use will not adversely affect the orderly conduct of existing or planned land uses in the vicinity;

(c) That the reclamation plan and associated guarantees and performance security are sufficient to enable the WECS and subject property to meet the intent and purpose of this chapter and be utilized for the intended long-term use shown in the applicable general plan.

(Ord. 85-39 § 4).

88-3.420 Permit—Review.

(a) On or before the fifth anniversary of the issuance of the permit, or earlier if the permit so provides, the zoning administrator may review the operation of the WECS.

(b) The purpose of the review shall be to inquire into the permittee's good faith compliance with the terms and conditions of the permit and the provisions of this chapter, and for any other purpose which may be specified in the permit.

(c) Prior to each such review, the community development department shall file a report with the zoning administrator regarding the operation of the WECS since the last review and any other matters which the department wishes to bring to the zoning administrator's attention.

(Ord. 85-39 § 4).

88-3.422 Permit—Revocation.

A permit may be revoked or modified by the zoning administrator pursuant to the provisions of Article 26-2.20.

(Ord. 85-39 § 4).

Article 88-3.6. Standards

88-3.602 Commercial WECS setback requirements.

(a) Except as provided in subsection (b) of this section, a commercial WECS must be set back from each line of the exterior project boundary, and from each public right-of-way, a distance equivalent to three times the machine height or five hundred feet, whichever is greater.

(b) A proposed commercial WECS that does not meet the minimum setback requirements of subsection (a) may be approved only if the following findings are made in addition to the findings required under section 88-3.418:

(1) The proposed commercial WECS will not pose a significant danger to adjacent land uses due to toppling or blade-throw.

(2) The proposed commercial WECS will not pose a significant danger to a public or private right-of-way due to toppling or blade-throw.

(3) A reduced setback is necessary in order to avoid or reduce the severity of an environmental impact or to significantly increase the ability to utilize the kinetic energy of the wind resource.

(c) Notwithstanding the provisions of subsections (a) and (b), a commercial WECS must be set back at least one thousand feet from all existing legal offsite residences and from all general plan-designated residential areas.

(Ord. No. 2011-04, § V, 4-5-11; Ord. 85-39 § 4).

88-3.604 Tower access.

Towers must either (a) Have tower-climbing apparatus located no closer than twelve feet from the ground;

(b) Have a locked anti-climb device installed on the tower;

(c) Be completely enclosed by a locked, protective fence at least six feet high; or

(d) Have a tower-access limitation program approved by the zoning administrator.

(Ord. 85-39 § 4).

88-3.606 Rotor safety.

Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.

(Ord. 85-39 § 4).

88-3.608 Electromagnetic interference.

The WECS shall be designed, installed and operated so that no disrupting electromagnetic interference is caused. If it has been demonstrated to the zoning administrator that a WECS is causing disruptive interference, the operator shall promptly mitigate the disruptive interference, which may include discontinued operation of one or more WECS.

(Ord. 85-39 § 4).

88-3.610 Utility notification.

No wind turbine shall be installed until evidence has been given that all affected utility companies have been notified and have indicated that the proposed interconnection is acceptable.

(Ord. 85-39 § 4).

88-3.612 Noise.

(a) Except as provided in subsection (b) of this section, a commercial WECS may not generate or emit any noise at any time that exceeds a maximum level of sixty-five decibels (dBA), as measured at each line of the exterior project boundary.

(b) A land use permit issued for a commercial WECS may authorize a maximum noise level that exceeds the level specified in subsection (a) if the commercial WECS is adjacent to an already-existing or approved commercial WECS and upon a finding that existing legal offsite residences and general plan-designated residential areas will not be adversely affected.

(c) A residential WECS may not generate or emit any noise at any time that exceeds a maximum level of sixty decibels (dBA), as measured at each line of the parcel upon which the residential WECS is installed.

(d) The measurement of commercial or residential WECS noise levels may not be adjusted for, or averaged with, periods of non-operation of the WECS. A site-specific noise study may be required to confirm compliance with the applicable noise standard. If noise generated or emitted by a commercial or residential WECS exceeds the applicable standard, the WECS operator must take measures necessary to comply with the standard, which may include discontinued operation of one or more WECS.

(Ord. No. 2011-04, § VI, 4-5-11; Ord. 85-39 § 4).

88-3.614 Site access.

Construction of on-site roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and revegetated to a natural condition after completion of installation.

(Ord. 85-39 § 4).

88-3.616 Parking.

The applicant shall provide a minimum of one on-site parking space for each employee, plus one on-site parking space for each vehicle kept in connection with the use. A minimum of four spaces shall be provided.

(Ord. 85-39 § 4).

88-3.618 Site aesthetics.

(a) Each WECS must be of a nonreflective and unobtrusive color.

(b) All buildings and structures related to a WECS must be sited to minimize visual impact to residences within one mile, adjacent roadways, and county scenic routes.

(Ord. No. 2011-04, § VII, 4-5-11; Ord. 85-39 § 4).

88-3.620 Signs.

(a) Signs warning of high voltage electricity shall be posted on stationary portions of the WECS or its tower and at gated entry points to the project site at a height of five feet above the ground.

(b) No advertising sign or logo shall be placed or painted on any WECS or tower. No more than two identification signs relating to the development shall be located on the project site; signs shall not exceed sixteen square feet in surface area or eight feet in height.

(c) Logos may be displayed on WECS generator housings in an unobtrusive manner.

(Ord. 85-39 § 4).

88-3.622 Additional residential WECS standards.

(a) Parcel size. The minimum size of a parcel on which a residential WECS may be installed is one acre. A residential WECS need not be on the same parcel as the primary residential or agricultural use, but the parcels must be under common ownership.

(b) Height. The maximum tower height for a residential WECS located on a parcel between one and five acres in size is eighty feet. The maximum tower height for a residential WECS located on a parcel five acres in size or larger is one hundred feet.

(c) Hours. A residential WECS may operate during all hours.

(d) Capacity. The rated capacity of a residential WECS may not exceed fifty kilowatts.

(e) Setback. A residential WECS must be must be set back from each property line of the parcel upon which the residential WECS is located a distance equivalent to the machine height of the residential WECS.

(Ord. No. 2011-04, § VIII, 4-5-11)

Article 88-3.8. Site Reclamation

88-3.802 Reclamation plan required.

No person shall establish or expand any WECS without (1) first submitting and obtaining approval of a reclamation plan under this article, and (2) posting a security deposit or bond to insure compliance with the approved plan, as set forth in Section 88-3.806.

(Ord. 85-39 § 4).

88-3.804 Reclamation plan requirements.

The reclamation plan shall identify the specific properties it applies to and shall indicate removal of all buildings, structures, WECS, and foundations to three feet below finish grade; road repair costs required by Section 88-3.414; and all regrading and revegetation necessary to return the subject property to the condition existing prior to establishment or expansion of the WECS. Reclamation shall reflect the site-specific character including topography, vegetation, drainage, and any unique environmental features. A materials and labor estimate shall be submitted for the total reclamation costs.

(Ord. 85-39 § 4).

88-3.806 Guarantees and security.

Responsibility. The reclamation plan shall state that the operator, applicant and permittee guarantee and accept responsibility for all reclamation work for a period of two years after completion of reclamation.

(b) Performance Security. A cash deposit or surety bond shall be deposited to insure completion of reclamation work consistent with this article. The amount of security shall be determined by the zoning administrator and shall include all material and labor costs, adjusted for inflation to reflect anticipated total costs at the time of reclamation. Up to eighty percent of the cost of reclamation may be secured by assignment to the county of salvage rights for WECS apparatus.

(Ord. 85-39 § 4).

Chapter 88-4 JUNKYARDS

Article 88-4.2. General

88-4.202 Short title.

This chapter shall be known and may be designated as the junkyard ordinance of Contra Costa County.

(Ord. 1513: prior code § 8330).

88-4.204 Declaration of policy.

It is declared by the board of supervisors that the business of salvaging and wrecking automobiles, the storage and salvaging of scrap materials, the salvaging, storing, and selling of salvaged building materials and other waste matter and junk is affected by the public interest. These businesses are useful and necessary occupations and essential to the economic life and welfare of the county. At the same time these businesses have a tendency to and often do become nuisances. Rats, vermin, insects, and other pests find breeding places in premises where these occupations are carried on. Small children without sufficient age to have sound discretion find places to play in these premises to their own danger and to the danger of the community. Materials stored on these premises may be fire hazards from spontaneous or accidental combustion. These materials, where improperly laid up and stored, become habitats and hiding places for vagrants and other undesirable persons. They are unsightly, offensive to the senses and interfere with the comfortable and enjoyable use of land in the vicinity. The public interest and the protection of the public health, safety, and welfare, the conservation of property value, and the encouragement of the orderly development of the county require that these occupations be regulated.

(Prior code § 8331: Ord. 934).

88-4.206 Junkyard defined.

For the purposes of this chapter, "junkyard" means any property used (whether or not for profit or gain) for (1) the dismantling or wrecking of automobiles or other vehicles or machinery, or (2) the storage or salvage of automobiles or other vehicles or machinery, scrap metal, or other scrap materials, including salvaged building materials.

(Ord. 81-35 § 1: prior code § 8332: Ords. 934, 644, 455, 226).

88-4.208 Nuisance—Abatement.

Any violation of this chapter is declared to be a public nuisance. The district attorney, when directed by the board of supervisors, shall commence the action or proceedings necessary and convenient to abate the nuisance.

(Prior code § 8338: Ord. 934).

Article 88-4.4. Permits

88-4.402 Permit—Required.

No person shall establish or maintain a junkyard in this county without first obtaining a permit as provided in this chapter.

(Prior code § 8333: Ord. 934).

88-4.404 Permit—Application.

(a) The owner of any premises not covered by the regulations of Divisions 82 or 84 may apply to the board of adjustment for a permit under this chapter and under the procedures set forth in Chapter 26-2.

(b) The owner of any premises covered by the regulations of Divisions 82 and 84 may apply to the board of adjustment for a permit under this chapter and under the procedures set forth in Chapter 26-2, if the land use district classification of the premises allows an application to be made.

(c) The owner of any premises covered by interim zoning regulations may apply to the board of adjustment for a permit under this chapter and under the procedures set forth in Chapter 26-2, if the interim land use district classification of the premises allows an application to be made.

(Prior code § 8335: Ord. 1268).

88-4.406 Permit—Bond required.

In granting any permit, the planning commission shall condition the permit on the furnishing by the applicant of a surety company bond in the penal sum of one thousand dollars, the condition of which shall be that the permittee shall comply with this chapter and any conditions which may be imposed on the permit, to insure the payment of any fine which may be imposed on the permittee, any costs of suit to secure the abatement of a nuisance, or to pay any judgment rendered against the permittee in favor of the county, all within the limits of the bond. The planning commission shall not grant a permit for a junkyard in any district where it is not allowed to be granted by Division 82, or in any case where it will conflict with the master plan of the county.

(Prior code § 8336: Ord. 934).

Article 88-4.6 Existing Junkyard Permits

88-4.602 Existing junkyard permit—Conditions required.

The owner of any premises which on January 1, 1955, were lawfully being used for a junkyard, as defined in Section 88-4.206, is granted a permit by the operation of this section for the purposes of Section 88-4.402, for the maintenance of a junkyard coextensive with the area of the premises that were then actually being used as a junkyard, subject to the following conditions:

(1) All scrap and salvage materials shall be placed and maintained in a manner that it will not become a habitat or breeding place for rodents, insects, or other vermin or pests.

(2) Stored and salvage materials shall be so placed and maintained that they will not encourage spontaneous or accidental combustion, and shall be so placed and maintained that spontaneous or accidental combustion within one lot, pile, or parcel will not spread to other materials, nor stacked more than ten feet high or within six feet of the fence.

(3) Any material subject to rot or decay shall be so placed, stored, piled, or maintained that no disease or pest harmful to human beings, stock, or crops will exist.

(4) The premises shall be kept free from noxious weeds, and all vegetation shall be kept under such control that it will not be a hiding place or habitat for vermin, insects, or other pests, or cause or create or contribute to any fire hazard.

(5) All vegetation shall be kept down from a distance of six feet outside the fence line.

(6) A stout, solid fence shall be maintained around each junkyard. It shall be at least eight feet high, painted and maintained in good condition, of such materials and structure that it cannot be penetrated or climbed, without difficulty, and will discourage the migration of rodents or other small animals in or out of the premises. All scrap and salvaged materials and all wrecked or stored automobiles shall be kept inside the fence.

(Prior code § 8334(a): Ord. 934).

88-4.604 Existing junkyard permit — Additional conditions.

The owner of any premises which are granted a permit under Section 88-4.602 for an existing junkyard may apply under this chapter for a permit which may be subject to other conditions than those specified in Section 88-4.602.

(Prior code § 8334(b): Ord. 934).

88-4.606 Existing junkyard permit — Revocation.

The owner of any premises which are granted a permit under Section 88-4.602 shall bring the premises into full compliance with this chapter within six months after March 26, 1955. A failure to bring the premises into full compliance and thereafter to maintain the premises in compliance with this chapter shall be grounds for the revocation of the permit.

(Prior code § 8334(c): Ord. 934).

Chapter 88-6 SIGNS[13]

Article 88-6.2. General

88-6.202 Title.

This chapter is known and may be cited as the Sign Ordinance of Contra Costa County.

[13]Ord. No. 2022-03, § II, adopted May 24, 2022, amended chapter 88-6 in its entirety to read as herein set out. Former chapter 88-6, §§ 88-6.202, 88-6.204, 88-6.402—88-6.420, 88-6.602—88-6.610, 88-6.802—88-6.820, 88-6.1002—88-6.1010, 88-6.1202—88-6.1208, 88-6.1402, 88-6.1404, pertained to outdoor advertising and derived from Ord. 75-2; Ord. 77-110 § 1; Ord. 92-36 § 2; Ord. 93-30 §§ 4, 5, 1993; Prior code §§ 8346—8356—8362; Ord. 1009; Ord. 1270; Ord. 1679; Ord. 1781.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.204 Purposes and regulatory scope.

The purpose of this chapter is to regulate the construction, placement, display, and maintenance of signs in the unincorporated area of the County. Article 88-6.6 regulates signs placed or displayed on private property, or on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. Article 88-6.8 regulates signs placed or displayed within a public right-of-way.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.206 Message neutrality.

It is the County's policy and intent to regulate signs in a manner that is content-neutral and consistent with the United States and California Constitutions.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.208 Prospective regulation.

This chapter applies only to signs that are first constructed, placed, or displayed after the date this chapter takes effect. This section does not legalize signs that were originally constructed, placed, or displayed without full compliance with all then-applicable laws.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.210 Responsibility for compliance.

The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, sign sponsor, all parties holding the present right of possession and control of the property where the sign is located, and the legal owner of the lot, even if the sign was placed, constructed, or displayed without the owner's consent or knowledge.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.212 Definitions.

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

(a) "A-board" means a portable sign capable of standing without support or attachment.

(b) "Animated sign" means a sign that displays visual images that change more often than one time in any 24-hour period, or images that move or appear to move, regardless of the method by which the visual change is effected. "Animated sign" does not include signs that merely display time, temperature, or other factual information that by its nature constantly changes.

(c) "Directional sign" means a sign directing persons to a place, structure, or activity.

(d) "Freestanding sign" means a sign that is independently supported in a fixed location and not attached in any way to a building or structure, but does not include a monument sign.

(e) "Frontage of a building" means a facade of a building where there is a public entrance and that faces either a public street, private road, or other public open place.

(f) "Frontage of a lot" means a property line that is along the right-of-way of a public street or private road.

(g) "Mobile sign" means a sign mounted on any type of device that is movable or capable of being moved by a vehicle.

(h) "Monument sign" means a sign constructed upon a solid base or pedestal and not attached in any way to a building or structure.

(i) "Moving sign" means a sign that has actual or apparent moving, revolving, or rotating parts actuated by an electrical, mechanical, or other device or by wind current.

(j) "Nonconforming sign" means a sign that was lawful before this chapter became effective, but that thereafter violates this chapter.

(k) "Projecting sign" means a sign, other than a wall sign, that is suspended or supported by a building or wall and that projects from the building or wall.

(l) "Right-of-way" has the meaning set forth in Section 82-4.260.

(m) "Shingle sign" means a sign that is suspended below a canopy, overhang, or covered walkway.

(n) "Sign" has the meaning set forth in Section 82-4.262.

(o) "Temporary sign" means a sign constructed to be maintained for a period of limited duration, and that is neither permanently installed in the ground nor permanently affixed to a building or structure permanently installed in the ground.

(p) "Wall sign" means a sign attached to, erected against, or painted upon a wall or a building or structure, the face of which is a single plane parallel to the plane of the wall.

(q) "Window sign" means a sign maintained or painted on a window, not including a placard placed on or attached to a window.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.214 Sign area computed.

(a) The area of a sign is computed by including the maximum display surface that is visible from the ground, and excluding the structure supporting the sign unless the structure is designed as an integral component of the display. The area of a sign with multiple display surfaces is the sum of the display surface areas.

(b) Notwithstanding subsection (a) of this section, if two display surfaces on the same sign are parallel and facing opposite directions, and the distance between the two surfaces is not more than two feet, then only the area of one of the two display surfaces is included in the computation of the sign's area.

(Ord. No. 2022-03, § II, 5-24-22.)

Article 88-6.4. Administration

88-6.402 Permit—Required.

No person may construct, place, display, or maintain a sign in the unincorporated area of the County without first obtaining a permit, except as otherwise provided in this chapter. A separate sign permit is required for each sign, except as otherwise provided in this chapter.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.404 Changes to permitted signs—Requirement for new or amended permit.

(a) If a permitted sign is modified, altered, or replaced, then a new or amended permit is required.

(b) If any design element of a building or lot upon which a permitted sign is maintained is modified, altered, or replaced, and if the design element constituted a basis for the sign approval, then a new or amended permit is required.

(c) If the physical structure of a permitted sign is changed, whether by repair, alteration, expansion, change in electrical supply, change in physical method of image presentation, change in dimension or weight, or similar factors, then a new or amended permit is required.

(d) If only the copy or visual image on the display face of a sign is changed, a new or amended permit is not required.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.406 Application and fee.

An application for a sign permit must be made in writing on a form approved by the director and must be accompanied by the required fee, in an amount established by the board of supervisors in the department's fee schedule.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.408 Permitting procedure.

(a) The zoning administrator will review all sign permit applications as provided in Section 26-2.1202.

(b) A sign permit application will not be approved under any of the following circumstances.

(1) Violation of this chapter. No sign permit will be approved if an illegal sign is located in violation of this chapter on the lot of the proposed sign, unless the violation will be corrected as part of the requested permit.

(2) Other code violations. No sign permit will be approved if a code violation exists on the lot of the proposed sign, unless the violation will be corrected as part of the requested permit.

(3) Failure to obtain other permits or approvals. No sign permit will be approved if the applicant has not obtained all other applicable permits and approvals required by this code.

(4) Unpaid fee. No sign permit will be approved if the applicant has not paid the applicable permit fee.

(c) If an applicant proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. If an application is denied in whole or in part, the decision maker's written notice of decision will specify the grounds for the denial.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.410 Findings required.

Before approving a sign permit application, the zoning administrator must find that the following conditions are met.

(a) The sign complies with the applicable regulations in this chapter.

(b) The non-communicative aspects of the sign are compatible with the property where the sign is located and the surrounding area. Examples of non-communicative aspects of a sign include the form, proportion, architectural scale in relation to other nearby buildings and structures, materials, surface treatment, and overall sign size.

(c) The location of the sign will not impair the use of the property or conflict with the visibility, location, or arrangement of existing adjacent signs.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.412 Appeal.

The denial or approval of a sign permit may be appealed pursuant to Article 26-2.24.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.414 Nonconforming signs.

A nonconforming sign lawfully existing as of the effective date of this chapter may be continued in use without expansion or alteration until any of the following occur:

(a) The sign is voluntarily removed or relocated.

(b) The sign is damaged or destroyed in excess of 50 percent of its reasonable market value at the time of damage or destruction.

(c) The property is developed or redeveloped with new structures or additions to existing structures, and the total area of new structures and additions exceeds 25 percent of the existing developed area.

(d) The size or configuration of the lot where the sign is located is changed by a subdivision of the lot.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.416 Prohibited signs.

(a) No person may construct, place, display, or maintain a sign contrary to the provisions of this code.

(b) No person may construct, place, display, or maintain a sign in violation of federal or state law, including, but not limited to, the Outdoor Advertising Act.

(c) No person may construct, place, display, or maintain an animated sign, mobile sign, moving sign, A-board sign, or sign that flashes, blinks, or rotates.

(d) No person may construct, place, display, or maintain a sign that is:

(1) Dilapidated;

(2) Portable;

(3) Attached to a fence;

(4) Painted on or attached to a parked vehicle for purpose of advertising to the passing public;

(5) Painted on a wall, bench, structure, or building;

(6) Constructed of cloth or other flexible material, except for flags attached to a flagpole;

(7) Supported by exposed wires or cables;

(8) Designed, placed, or oriented for freeway exposure; or

(9) Designed with external neon lighting.

(e) No person may construct, place, display, or maintain a freestanding sign within 1,000 feet of a school, playground, or park.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.418 Exempt signs.

The following signs are exempt from the permit requirement of this chapter.

(a) A sign of a governmental agency located and maintained for the purpose of traffic safety, including a traffic sign or similar regulating device or warning device.

(b) A sign required to be maintained by law or regulation. If a sign is required to be maintained by law or regulation but the sign area is not specified in the law or regulation, the sign area may not exceed ten square feet.

(Ord. No. 2022-03, § II, 5-24-22.)

Article 88-6.6. Signs on Private Property

88-6.602 Applicability.

This article applies to signs placed or displayed on private property in the unincorporated area of the County. This article also applies to signs placed or displayed on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. This article does not apply to signs placed or displayed within a public right-of-way, which are regulated by Article 88-6.8.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.604 Owner's consent.

No sign may be placed on private property without the consent of the legal owner of the property.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.606 Exempt signs on private property.

The following signs, when located on private property, are exempt from the permit requirement of this chapter. This section does not exempt the following signs from any other applicable law or regulation, including, but not limited to, building and zoning code requirements and traffic safety laws and regulations pertaining to sign locations.

(a) One flagpole and three flags per lot. The flagpole may not exceed 25 feet in height or the highest point of the principal building on the lot, whichever is lower. The area of each flag on the flagpole may not exceed 15 square feet.

(b) A sign that cannot be seen from a public street, private road, or adjacent property.

(c) A temporary sign maintained for a period not to exceed 60 consecutive calendar days. The temporary sign may not exceed 12 square feet in area. The temporary sign may not exceed six feet in height.

(d) One or more on-site commercial signs on a lot with a grower stand, farm stand, or farm market, as long as the sign or signs comply with Section 88-20.404.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.608 Land use districts.

(a) General. A sign that complies with the provisions of this chapter may be located in any land use district, except as otherwise specified in subsections (b), (c), or (d) of this section.

(b) Single-family residential districts. No sign may be constructed, placed, displayed, or maintained on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100) or a water recreational district (F-1), or on a single-family residential lot in a planned unit district (P-1), except for an exempt sign under Section 88-6.418 or Section 88-6.606. This subsection does not apply to a lot where a non-residential use is approved by a land use permit.

(c) Other residential districts. No sign may be constructed, placed, displayed, or maintained on any lot in a two-family residential district (D-1), in a multiple-family residential district (M-6, M-9, M-12, M-17, and M-29), or on a multiple-family residential lot in a planned unit district (P-1), except for the following:

(1) An exempt sign under Section 88-6.418 or Section 88-6.606;

(2) One or more freestanding signs or monument signs per lot that meet the requirements of Section 88-6.610; and

(3) One wall sign per lot that meets the requirements of Section 88-6.612.

This subsection does not apply to a lot where a non-residential use is approved by a land use permit.

(d) No sign may be constructed, placed, displayed, or maintained on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80), except for the following:

(1) An exempt sign under Section 88-6.418 or Section 88-6.606; and

(2) One or more freestanding signs or monument signs per lot that meet the requirements of Section 88-6.610.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.610 Freestanding signs and monument signs.

A freestanding sign or a monument sign must meet all of the following requirements.

(a) Area. No freestanding sign or monument sign may have an area that exceeds one square foot for each 1,000 square feet of lot area. The maximum area of a freestanding sign or monument sign is 35 square feet. The maximum aggregate display area of all freestanding signs and monument signs located on a lot is 50 square feet.

(b) Height. No portion of a freestanding sign or monument sign may be higher than the roof line of the principal building on the lot or 12 feet, whichever is lower.

(c) Display Surfaces. No freestanding sign or monument sign may have more than two display surfaces.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.612 Attached signs.

A projecting, shingle, wall, or window sign must meet all of the following requirements.

(a) Area.

(1) No projecting sign may have an area that exceeds five square feet.

(2) No shingle sign may have an area that exceeds five square feet.

(3) No wall sign may have an area that exceeds ten percent of the area of the wall on which it is placed, excluding the area of all other signs on the frontage of the building.

(4) No window sign may have an area that exceeds ten percent of the area of the window on which it is placed.

(b) Projections, heights.

(1) No sign or portion of a sign may be higher than the eaves, facia, or parapet of the building to which it is attached.

(2) No sign may project more than one foot from the wall of a building, except a shingle sign may project a maximum of six feet from the wall of a building.

(3) No projecting sign may have a vertical clearance of less than eight feet between the ground and the bottom of the sign.

(4) No shingle sign may have a vertical clearance of less than eight feet between the ground and the bottom of the sign.

(5) No wall sign may exceed 15 feet in height above grade measured from the base of the wall.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.614 Location.

A sign may be located only on the frontage of a building, or on the frontage of a lot if not attached to a building on the lot. Signs may not be located on more than two frontages of any one building.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.616 Temporary signs.

(a) A temporary sign may be located and maintained on a lot for sale for a period not to exceed 18 consecutive months or until the lot is sold once, whichever occurs first. No more than one temporary sign may be located on a lot for sale.

(b) A temporary sign may be located and maintained at an entrance of a development that includes one or more lots for sale for a period not to exceed 18 consecutive months or until 30 days after all lots in the development are transferred once, whichever occurs first. No more than one temporary sign may be located at an entrance of a development that includes one or more lots for sale.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.618 Vehicles.

No sign may be attached to, supported by, or suspended from a vehicle parked on a street or lot, except a sign that is an integral part of the vehicle.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.620 Service stations.

In the case of any conflict between this chapter and state requirements for signs related to gasoline sales, the state requirements will govern. ;hn0; (Ord. No. 2022-03, § II, 5-24-22.)

88-6.622 Illumination.

A sign permitted by this chapter may not be illuminated by artificial illumination unless expressly authorized by the sign permit. The zoning administrator may include conditions in the sign permit as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.624 Vacant lots.

The aggregate sign display area of all signs located on a lot where no building exists may not exceed one and one-half square feet per 1,000 square feet of lot area. The maximum aggregate sign display area of all signs located on a lot where no building exists is 35 square feet.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.626 Signs within highway setback.

A sign placed or displayed within a highway setback, as described in Article 82-12.4, is subject to the same restrictions and requirements that apply to signs placed or displayed within a public right-of-way pursuant to Article 88-6.8.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.628 Master sign program.

(a) General. The zoning administrator may approve a comprehensive master sign program as part of a multi-tenant development or a development in a P-1 district. The objectives of a master sign program are to ensure: that the non-communicative aspects of all signs in a multi-tenant development or a P-1 district are compatible; and that adequate signs are provided to all current and prospective tenants within a multi-tenant development or a P-1 district.

(b) Applicability. A master sign program applies to all tenants and buildings within a single development, whether the development is located on a single lot or on multiple lots.

(c) Exceptions. A master sign program may authorize exceptions to the sign regulations specified in this article, including the number of signs, height, location, and sign area.

(d) Prohibited. A master sign program may not be used to display sign types that are prohibited under this article.

(e) Approval. If the zoning administrator approves exceptions to the sign regulations specified in this article, the zoning administrator must find that each exception will accomplish the objectives of this section. The zoning administrator may include conditions in the master sign program permit to mitigate any negative impacts attributed to the exceptions.

(Ord. No. 2022-03, § II, 5-24-22.)

Article 88-6.8. Signs Within the Public Right-of-Way

88-6.802 Applicability.

This article applies to signs placed or displayed within a public right-of-way.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.804 Prohibited signs.

No person may place or display a sign within a public right-of-way unless the sign is specifically authorized under this chapter.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.806 Encroachment permit.

No person may place or display a sign within a public right-of-way without both a permit under this chapter and an encroachment permit issued under Section 1002-2.008.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.808 Exempt—Bus shelter signs.

Signs placed or displayed on a structure within or on a right-of-way that is used solely as a bus shelter are exempt from the permit requirement of this chapter. This section does not exempt bus shelter signs from any other applicable law or regulation, including, but not limited to, encroachment permit requirements.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.810 Directional signs.

A freestanding directional sign may be placed within a public right-of-way. A freestanding directional sign must meet all of the following requirements.

(a) Location. No directional sign may be located:

(1) Within 500 feet of another directional sign on the same public right-of-way and facing in the same direction;

(2) At an intersection that would result in more than one directional sign at any corner of the intersection;

(3) Within three feet of any curb where parking is allowed;

(4) Within six feet of a driveway or curbcut access ramp;

(5) In any bus stop zone;

(6) So that any part of the sign extends into any bus stop zone or sidewalk area;

(7) On any median;

(8) So as to conflict with any applicable sight distance or clear recovery zone standard in the California Department of Transportation Highway Design Manual; or

(9) Within any State right-of-way without State approval.

(b) Area. No directional sign may have an area that exceeds 16 square feet.

(c) Additional permit terms. All of the following terms and requirements are incorporated into all permits issued under this article:

(1) The term of the permit is one year from the approval date, unless revoked earlier.

(2) The permittee shall obtain and maintain during the term of the permit comprehensive general liability insurance, including coverage for owned and non-owned automobiles, within minimum combined single-limit coverage of $2,000,000 for all claims and losses due to bodily injury or death to any person, or damage to property, including loss of use arising out of each accident or occurrence. The permittee shall name the County and its officers, agents, and employees as additional insureds under all policies held in connection with the permit. All coverage shall provide for 30 days' written notice to the County of cancellation or lapse in coverage. A certificate of insurance for the policy hereunder required, indicating the name and telephone number of the insurance agent most responsible for the insurance policy and evidencing such coverage, must be furnished to the County prior to the approval of the permit. If the permittee renews or amends existing insurance or acquires new insurance, the permittee shall provide an updated certificate to the County.

(3) The permittee shall indemnify, defend, and hold harmless the County, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a sign permit, the County's discretionary approval of the sign, the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, and the construction, placement, display, or maintenance of the sign, regardless of when those liabilities accrue.

(4) The permittee shall maintain and repair the sign or signs as required by the associated encroachment permit.

(5) A sign may be removed by the County if necessary for maintenance activities or safety considerations.

(6) A sign permit may be revoked by the County upon 90 days' notice, or at any time for safety considerations.

(Ord. No. 2022-03, § II, 5-24-22.)

Article 88-6.10 Enforcement

88-6.1002 Removal of abandoned or unsafe signs.

An abandoned or unsafe sign that imperils the safety of persons or property, or a temporary sign that is not removed within the time prescribed by this chapter, may be summarily removed or abated by the County. The owner of the property and the person responsible for a sign are liable for the cost of removal.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.1004 Remedies.

The County may seek compliance with this chapter by any remedy allowed under this code, including, but not limited to, revocation, abatement, administrative fines, infraction citations, and any other remedy allowed by law.

(Ord. No. 2022-03, § II, 5-24-22.)

Chapter 88-11 SURFACE MINING AND RECLAMATION

Article 88-11.2. General

88-11.202 Purpose.

This chapter effectuates the Surface Mining and Reclamation Act of 1975 ("SMARA") (Public Resources Code Sections 2710 and following), including future amendments thereto, and constitutes the ordinance referred to in Section 2774 therein.

(Ords. 2000-18 § 2; 79-114).

88-11.204 Goals.

This chapter is intended to assure that:

(1) County regulations and procedures governing the establishment, use and reclamation of mined lands are in accord with the county general plan; and

(2) Mineral deposits which are valuable to the economy of the county and the bay area can be utilized; and

(3) Adverse land use and environmental effects caused by surface mining operations are prevented or minimized, and mined lands are reclaimed to a condition which is readily adaptable for future land uses; and

(4) Residual hazards to the public health and safety are prevented or minimized; and

(5) Economic and natural resources related to surface mining sites and operations are protected for the future benefit of the county.

(Ord. 79-114; Pub. Res.C. §§ 2711, 2712).

88-11.206 Definitions.

Unless otherwise specifically provided, or required by the context, the definitions set forth in the Surface Mining and Reclamation Act of 1975, and in any state policy adopted pursuant thereto, govern the construction of this chapter.

(Ord. 79-114; Pub.Res.C. §§ 2725 -2735).

88-11.208 Exceptions.

The requirements of this chapter do not apply to the following activities when done in full compliance with Division 716 (Grading) and Title 9 (Subdivisions) of this code:

(1) Excavation or grading conducted for restoring land after natural disaster;

(2) Surface mining operations required by federal law to protect a mining claim; if conducted solely for that purpose;

(3) Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores and overburden or involves less than one acre in any one location.

(Ords. 2000-18 § 3; 79-114; Pub.Res.C. § 2714).

Article 88-11.4. Vested Rights

88-11.402 General.

A person with a vested right to conduct surface mining operations does not need a permit under this chapter as long as such vested right continues; but no substantial charges may be made in any such operation except in accordance with this chapter.

(Ord. 79-114; Pub.Res.C. § 2776).

88-11.404 Vested right defined.

A person shall be deemed to have such a vested right if, before the effective date of this chapter, in good faith and in reliance upon a land use permit or other governmental authorization (if either was required by law), the person~~he~~ has diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor (excluding expenses incurred in obtaining the permit or authorization).

(Ord. 79-114; Pub.Res.C. § 2776).

88-11.406 Reclamation plan approval still required.

Subject to this article, a person with a vested right shall submit to the county and receive, within a reasonable period of time, approval of a reclamation plan for surface mining operations conducted or to be conducted after January 1, 1976, or a determination that the county had approved a reclamation plan before the effective date of this chapter and the operator has accepted, and currently accepts, responsibility for reclaiming the mined lands in accordance with the reclamation plan. A person receiving such a determination shall nonetheless be subject to the provisions of Article 88-11.10.

(Ord. 79-114: Pub. Res. C. § 2776).

88-11.408 Pre-1976 operations excepted.

No reclamation, or reclamation plan approval, is required for lands disturbed by surface mining operations conducted before January 1, 1976, and which have not since been disturbed by surface mining operations.

(Ords. 2000-18 § 4; 79-114; Pub.Res.C. § 2776).

Article 88-11.6. Land Use Permits

88-11.602 Land use permit required.

Except as provided in Article 88-11.4, no person shall begin, establish, maintain, continue or conduct, any surface mining operation, including a rock quarry, sand or gravel pit, or other earth material extraction area, without (1) first obtaining a land use permit under this article, and (2) fully performing and complying with it.

(Ord. 79-114: Pub.Res.C. § 2770: see also § 88-11.802, and former § 88-10.002).

88-11.604 Application procedure.

(a) General. Land use permits for the special uses enumerated in Section 88-11.602 may be granted in accordance with Chapters 26-2 and 82-6.

(b) Concurrent Applications. When a surface mining operation requires the approval of both a land use permit and a reclamation plan, application for both shall be made concurrently.

(Ord. 79-114; Pub.Res.C. § 2774; see also Art. 88-11.8).

88-11.606 Criteria for permit.

A land use permit for surface mining operation may be granted for property in any zoning district, but a permit shall not be issued unless it is found, in addition to the findings required by Chapter 26-2, that:

(1) The proposed use is consistent with the county general plan; and

(2) The proposed use will not be substantially detrimental to existing residents, structures, or land uses; and

(3) The proposed use will not impose significant adverse impacts on the physical environment; and

(4) The proposed use will have adequate access.

(Ord. 79-114; Pub.Res.C. § 2774).

88-11.608 Conditions of permits.

A land use permit may be conditioned as necessary to implement this chapter. Such conditions may include, but are not limited to, the following conditions set forth in Sections 88-11.610 and 88-11.612.

(Ord. 79-114).

88-11.610 Conditions—Operations and maintenance.

Examples of permit conditions relating to mining operations and site maintenance are:

(1) Land uses permitted on the site;

(2) Temporary and finished slopes, and benches;

(3) Setbacks from property lines, roads, water channels; and other features;

(4) Fencing and screening;

(5) Limiting use of explosives;

(6) Drainage and use of surface water or groundwater;

(7) Storing minerals and overburden;

(8) Salvaging topsoil and vegetation;

(9) Controlling noise, dust, and bright lights;

(10) Limiting hours of operation;

(11) Ingress, egress and traffic management;

(12) Hauling management;

(13) Limited duration of the permit;

(14) Phasing excavation;

(15) Controlling sedimentation.

(Ord. 79-114; Pub.Res.C. §§ 2715(e), 2774).

88-11.612 Permit conditions—Performance guarantees.

Either a cash deposit, surety bond, or instrument of credit, acceptable to the planning agency as to form and amount, may be required to guarantee faithful performance of and compliance with the terms and conditions of the land use permit and the reclamation plan.

(Ord. 79-114; Pub.Res.C. §§ 2715(e), 2774).

Article 88-11.8. Reclamation Plans

88-11.802 Reclamation plan required.

No person shall begin, establish, maintain, continue or conduct any surface mining operation without (1) first submitting, and obtaining approval of, a reclamation plan under this article, and (2) fully performing and complying with it.

(Ord. 79-114; Pub.Res.C. § 2770: see also § 88-11.602).

88-11.804 Post-1976 operations included.

No person shall continue, maintain, or conduct any surface mining operation in existence between January 1, 1976, and the effective date of this chapter without first obtaining approval of a reclamation plan.

(Ord. 79-114; Pub.Res.C. § 2776).

88-11.806 Applications for reclamation plan approval.

Applications for approvals pursuant to this article for surface mining operations described in Section 88-11.804 shall be submitted within six months after the effective date of this chapter; but the director of planning may extend this period in increments of six months or less if the director of planning~~he~~ determines that the preparation of the reclamation plan has been undertaken and pursued diligently and in good faith by the applicant, and that continuation of mining operations would not be detrimental to successful reclamation.

(Ord. 79-114; Pub.Res.C. §§ 2710, 2774, and 2776).

88-11.808 Application procedure.

(a) General. Applications shall be on forms (or with face sheets) provided or approved by the director of community development and shall be made and processed as provided in Section 88-11.604 for land use permits.

(b) Applicant's Responsibility. Applicants are responsible for preparing reclamation plans for submission to the county.

(Ords. 2000-18 § 5; 79-114; Pub.Res.C. § 2774).

88-11.810 Reclamation plan requirements.

Every reclamation plan shall address at least the following subjects, in addition to the requirements in Public Resources Code Sections 2772 through 2774 and California Code of Regulations Section 3500 et seq and 3700 et seq.

(Ords. 2000-18 § 6; 79-114; Pub.Res.C. §§ 2772A).

88-11.812 General requirements.

The reclamation plan shall identify the specific properties it applies to; and it shall be based upon the character of the surrounding area and the characteristics of that property, including the type of overburden, soil stability, topography, geology, vegetation, wildlife, climate, stream characteristics, and principal mineral commodities. Reclamation of mined lands shall be carried out in accordance with the requirements of this chapter.

(Ord. 79-114; Pub.Res.C. § 2773).

88-11.814 Guarantees.

The reclamation plan shall state that the operator, applicant, and permittee guarantees and accepts responsibility for all reclamation work for the life of the surface mining operation and for a period of two years after completion of such operation or such greater period as may be determined necessary to assure the permanence of physical reclamation features.

(Ord. 79-114; Pub.Res.C. § 2774).

88-11.816 Progressive reclamation.

Reclamation of mined areas shall take place as soon as practicable following completion of surface mining operations. When simultaneous or concurrent reclamation is practicable, the reclamation plan shall include a timetable for commencing and completing such reclamation and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

(Ords. 2000-18 § 7; 79-1 14; Pub.Res.C. § 2772(f)).

88-11.818 Disposal of overburden and mining waste.

(a) Permanent on-site disposal of overburden and mining waste shall be compatible with the probable future uses of the site. The land surface shall be made stable, and adequate drainage shall be provided. Final disposal of such materials shall not be in the form of apparently artificial piles or dumps of overburden or mining waste. To the maximum extent practicable, grading shall be designed to blend with the natural terrain features of the area.

(b) Toxic materials shall be removed from the site or shall be protected and isolated to prevent leaching.

(c) Overburden and mining waste placed below the existing or potential groundwater level shall not reduce water transmissivity or the area through which water may flow unless approved equivalent transmissivity or area has been provided elsewhere.

(Ord. 79-114).

88-11.820 Drainage, erosion and sediment control.

(a) Any temporary stream or watershed diversion shall be restored in final reclamation to its condition prior to surface mining operations, unless the planning agency determines restoration is unnecessary.

(b) Regrading and revegetation shall be designed and carried out to minimize erosion, to provide for drainage to natural outlets or interior basins designed for water storage, and to eliminate closed depressions and similar catchments that could serve as breeding areas for insects.

(c) Silt basins, which have outlet to lower ground and will or may store water during periods of surface runoff, shall be equipped with sediment control and removal facilities, and with protected spillways designed to minimize erosion.

(d) Final grading and drainage shall be designed to prevent discharge of sediment loads higher than before mining operations.

(e) Upon reclamation, the operator shall preclude or eliminate any condition which will or could lead to the degradation of water quality below applicable standards of the regional water quality control board or any other agency with authority over water quality.

(Ord. 79-114).

88-11.822 Final slope gradient.

Final slope gradients shall assure slope stability, maintenance of required vegetation, public safety, and the control of drainage, as may be determined by engineering analysis of soils and geologic conditions and by taking into account probable future uses of the site. They shall not exceed the critical gradient as determined by an engineering analysis of the slope stability. Additionally, they shall not:

(1) Be incompatible with the alternate future uses anticipated for the site; or

(2) Be hazardous to persons that may use the site under the alternate future uses anticipated for the site; or

(3) Reduce the effectiveness of revegetation and erosion control measures where such are necessary.

(Ord. 79-114).

88-11.824 Emplacement of fill.

All fill shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses. If future uses of the site include streets or structures for human occupancy, or if an engineered fill is necessary as a safety measure, fill emplacement shall conform to the requirements of Division 716 of this code. Material used as fill shall be of a quality suitable to prevent contamination and pollution of groundwater.

(Ord. 79-114).

88-11.826 Resoiling.

Resoiling shall be accomplished in the following manner: coarse, hard material shall be graded and covered with a layer of finer material or weathered waste, and a soil layer then placed on this prepared surface. Where

quantities of available soils are inadequate to provide cover, native materials should be upgraded to the extent feasible for this purpose.

(Ord. 79-114).

88-11.828 Revegetation.

All lands permanently exposed by mining operations shall be revegetated, except as the director of community development determines this to be technically infeasible or detrimental. Revegetation methods and plant materials utilized shall be appropriate for the site's topographical, soil and climatic conditions, and native species shall be used wherever practicable.

(Ords. 2000-18 § 8; 79-114).

88-11.830 Water.

All bodies of water created by the reclamation plan are subject to approval.

(Ord. 79-114).

88-11.832 Other requirements.

Additional requirements to carry out the intent of this chapter may be required.

(Ord. 79-114; Pub.Res.C. §§ 2772—2774).

88-11.834 Financial assurances.

(a) To ensure that reclamation will proceed in accordance with the approved reclamation plan, the county will require, as a condition of approval, security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the county and the State Mining and Geology Board as specified in state regulations, and which the county reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the county of Contra Costa and the State Department of Conservation.

(b) Financial assurances will be required to ensure compliance with elements of the reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

(c) Cost estimates for the financial assurance shall be submitted to the community development department for review and approval prior to the operator securing financial assurances. The director of community development will forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within forty-five days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the county has reason to determine that additional costs may be incurred. The director of community development may approve the financial assurance if it meets the requirements of this chapter, SMARA, and state regulations.

(d) The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may

be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the director of community development. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved rehabilitation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

(e) In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the county or State Department of Conservation may contract with a third party commercial company for reclamation of the site.

(f) The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

(g) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover the reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim for reclamation scheduled for completion during the coming year.

(h) Revisions to financial assurances shall be submitted to the director of community development each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

(Ords. 2000-18 § 9; 79-114; Pub.Res.C. § 2774).

88-11.836 Fees.

The county may establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this chapter and the state regulations, including, but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the county, at the time of filing of the land use permit and/or reclamation plan application, and at such other times as are determined by the county to be appropriate in order to ensure that all reasonable costs of implementing this chapter are borne by the mining operator.

(Ords. 2000-18 § 10; 79-114; Pub. Res.C. § 2774).

88-11.838 Amendments.

Amendments to an approved reclamation plan may be submitted to the planning agency at any time, detailing proposed changes. Substantial deviations from the approved plan shall not be undertaken until such

amendment has been filed with and approved by the planning agency. Amendments to an approved plan shall be processed and considered as provided in Section 88-11.808 for reclamation plans.

(Ord. 79-114; Pub. Res.C. § 2777).

88-11.840 Interim management plans (IMPs).

(a) Within ninety days of a surface mining operation becoming idle, the operator shall submit to the community development department a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including, but not limited to, all site approval conditions, and shall provide measures the operator shall implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the community development department, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review.

(b) Financial assurances for idle operations shall be maintained by the operator of the quarry as though the operation were active, or as otherwise approved through the idle mine's IMP.

(c) Upon receipt of a complete proposed IMP, the community development department will forward the IMP to the State Department of Conservation for review. The IMP will be submitted to the State Department of Conservation at least thirty days prior to approval by the zoning administrator.

(d) Within sixty days of receipt of the proposed IMP, or a longer period mutually agreed upon by the director of community development and the operator, the zoning administrator will review and approve or deny the IMP in accordance with this chapter. The operator shall have thirty days, or a longer period mutually agreed upon by the operator and the director of community development, to submit a revised IMP. The zoning administrator will approve or deny the revised IMP within sixty days of receipt. If the zoning administrator denies the revised IMP, the operator may appeal that action to the planning commission.

(e) The IMP may remain in effect for a period of not to exceed five years, at which time the zoning administrator may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.

(Ord. 2000-18; § 11).

Article 88-11.10. Other Requirements

88-11.1001 Annual report requirements.

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the county community development department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

(Ord. 2000-18; § 12).

88-11.1002 Periodic inspection of operations.

(a) The community development department will arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 88-11.1001, to determine whether the surface

mining operation is in compliance with the approved land use permit and/or reclamation plan, approved financial assurances, and state regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist or state-registered civil engineer who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve months, as selected by the director of community development. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The community development department will notify the State Department of Conservation within thirty days of completion of the inspection that said inspection has been conducted, and will forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

(b) The director of community development may require the operator and permittee to submit such information as may be necessary to determine compliance.

(Ords. 2000-18 § 12; 79-114; Pub.Res.C. § 2774).

88-11.1004 Revocation.

Whenever the director of community development determines that a surface mining operation is not in compliance with the terms of the approved land use permit or reclamation plan or the provisions of this chapter, or that the soil or other conditions are not as stated on the permit, the director will notify the permittee of such fact in writing requiring compliance within a stated reasonable time from the date of such notice. If the permittee has not, within the stated time, complied with the terms of the permit or the approved reclamation plan or the requirements of this chapter, or given reasonable assurances that such steps are being taken to comply, the director of community development may schedule a public hearing to consider revoking the land use permit or the approval of the reclamation plan. The issue of revocation shall be considered and determined in the manner and for causes as provided by Article 26-2.20 of this code for conditional use permits.

(Ords. 2000-18 § 12; 79-114; Pub.Res.C. § 2774).

88-11.1006 Transfer of ownership—Operator responsibility.

Whenever one applicant operator or permittee succeeds, by sale, assignment, transfer, conveyance, exchange, inheritance, or other means, to the interest of another in any incompleted surface mining operation or reclamation, the successor shall be bound by the provisions of the approved land use permit and reclamation plan and the provisions of this chapter. The new operator must notify the community development department of such transfer within thirty days thereof.

(Ords. 2000-18 § 12; 79-114: Pub.Res.C. § 2779).

88-11.1008 Mineral resource protection.

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resources areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the county's general plan.

In accordance with Public Resources Code Section 2762, the county's general plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within twelve months of receipt

from the State Mining and Geology Board of such information. Land use decisions within the county will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

(Ord. 2000-18; § 12).

88-11.1010 Natural disaster.

In the event of a natural disaster, such as high water conditions and potential for flooding or levee failure, the director of community development may authorize extended hours or weekend operations at a quarry that is a source of rock for emergency operations.

(Ord. 2000-18; § 12).

Chapter 88-12 ADULT ENTERTAINMENT BUSINESSES

Article 88-12.2. General

88-12.202 Intent and purpose.

Adult entertainment businesses, because of their nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Regulation of the location of these businesses is necessary to insure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of this chapter is to prevent the concentration or clustering of these businesses in any one area.

(Ord. 81-6 § 1).

Article 88-12.4. Definitions

88-12.402 Generally.

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this article for the purposes of this chapter.

(Ord. 81-6 § 1).

88-12.404 Adult entertainment businesses.

"Adult entertainment businesses" are defined as follows:

(1) Adult Bookstore. An "adult bookstore" is an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such materials.

(2) Adult Motion Picture Theater. An "adult motion picture theater" is an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(3) Adult Mini Motion Picture Theater. An "adult mini motion picture theater" is an enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(4) Adult Hotel or Motel. An "adult hotel or motel" is a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(5) Adult Motion Picture Arcade. An "adult motion picture arcade" is any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

(6) Cabaret. "Cabaret" is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(7) Massage Parlor. "Massage parlor" is any establishment licensed as a massage parlor pursuant to Chapter 518-2 where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs.

(8) Model Studio. "Model studio" is any business where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

(9) Sexual Encounter Center. "Sexual encounter center" is any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

(10) Other. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(Ord. 81-6 § 1).

88-12.406 Specified sexual activities.

"Specified sexual activities" are defined as follows:

(1) Actual or simulated sexual intercourse, oral copulation, and 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 functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

(3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

(6) Erotic or lewd touching, fondling or other contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

(Ord. 81-6 § 1).

88-12.408 Specified anatomical areas.

"Specified anatomical areas" are defined as follows:

(1) Less than completely and opaquely covered (a) human genitals, pubic region; (b) buttock; and (c) 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.

(Ord. 81-6 § 1).

Article 88-12.6. Location

88-12.602 Restrictions.

In land use zoning districts where the adult entertainment businesses regulated by this chapter would otherwise be permitted uses, it shall be unlawful to establish any such adult entertainment business if the location is:

(1) Within five hundred feet of any area zoned for residential use; or

(2) Within one thousand feet of any other "adult entertainment" business; or

(3) Within one thousand feet of any public or private school, park, playground, public building, church, any noncommercial establishment operated by a bona fide religious organization, or any establishment likely to be used by minors.

(Ord. 81-6 § 1).

88.12.604 Establishment.

For the purposes of this article, the establishment of any adult entertainment business includes the opening of such a business as a new business, the relocation of such business, or the conversion of an existing business location to any adult entertainment business use.

(Ord. 81-6 § 1).

Article 88-12.8. Variance

88-12.802 Granting.

Land use permits to modify the location provisions contained in Article 88-12.6 may be granted in accordance with Chapters 26-2 and 82-6. To the extent applicable, the planning agency, before granting any permit, shall make the finding required by Section 26-2.2008.

(Ord. 81-6 § 1).

Chapter 88-14 OIL AND GAS DRILLING AND PRODUCTION

Article 88-14.2. General

88-14.202 Intent and purpose.

The purpose of this chapter is to assure that oil and gas drilling and production activity is developed to be compatible with existing and planned surface uses. This chapter also seeks to assure maintenance of public health standards and protection of natural resources and public facilities. To this end, the following provisions are intended to establish reasonable regulation of oil and gas drilling and production activity.

(Ord. 86-61 § 5).

88-14.204 Scope.

This chapter provides review procedures of oil and gas drilling and production activity for all land use districts except the Planned Unit Development (P-1) district, which is subject to review procedures described in Chapter 84-66.

(Ord. 86-61 § 5).

88-14.206 Definitions.

As used in this code, unless the context otherwise requires, the following words and phrases shall have the meanings given in this section:

(1) "Material alterations" means substantive modifications in the design or operation of an existing well, limited to installation of new compressor units, installation of oil storage or water condensation tanks, or installation of subsurface injection equipment to enhance natural flow of mineral resources.

(2) "Oil and gas drilling and production activity" means all activities related to the exploration for and recovery of subsurface oil or gas deposits. This phrase excludes exploration methods not involving subsurface drilling activity.

(3) "Urban land use designation" means those collective areas shown on land use element maps of the county general plan which are planned for either residential, commercial, industrial, office, country estate, interim agriculture or similar uses.

(Ord. 86-61 § 5).

88-14.402 Permitted.

Oil and gas drilling and production activity is allowed within the Light Agricultural (A-1), General Agricultural (A-2), Heavy Agricultural (A-3), Agricultural Preserve (A-4) and Exclusive Agricultural (A-20, A-40, and A-80) land use districts subject to the administrative review and approval of the zoning administrator, provided the subject parcel is not located in any of the following areas:

(1) Within one thousand feet of a city boundary;

(2) Within an urban land use designation;

(3) Within one thousand feet of an urban land use designation.

New oil and gas drilling and production activity may not commence, and material alterations to existing oil and gas wells may not be installed, until the zoning administrator certifies that the project site is located in a permitted use area and issues a permit. The zoning administrator shall impose conditions on permitted activity to assure maintenance of public health standards, protection of natural resources and public facilities, and compatibility with adjoining uses. Permits are valid for one year from the date of issuance. Failure, neglect or refusal to exercise a permit within one year from the date of issuance shall automatically cause the same to become null and void.

(Ord. 86-61 § 5).

88-14.404 Uses—Requiring land use permit.

New oil and gas drilling and production activity and material alterations to existing oil and gas wells are permitted on the issuance of a land use permit in the following districts:

(1) Within the Light Agricultural (A-1), General Agricultural (A-2), Heavy Agricultural (A-3), Agricultural Preserve (A-4) and Exclusive Agricultural (A-20, A-40 and A-80) land use districts and within one or more of the areas enumerated in Section 88-14.402(1) through (3);

(2) Within any land use district not listed in Section 88-14.402, except the Planned Unit Development (P-1) district.

(Ord. 86-61 § 5).

Article 88-14.6. Land Use Permits and Administrative Review Permits

88-14.602 Land use permits and administrative review permits.

Land use permits for oil and gas drilling and production activity located in areas enumerated in Section 88-14.404 may be granted in accordance with Chapters 26-2 and 82-6. Permits subject to administrative review and approval for allowed oil and gas drilling and production activity in locations described in Section 88-14.402 shall be issued through review procedures established by the board of supervisors.

(Ord. 86-61 § 5).

88-14.604 Regulations.

The board may from time to time, by resolution, issue regulations to establish administration, procedures, interpretations and policy direction for this chapter.

(Ord. 86-61 § 5).

Chapter 88-16 TAKE-OUT FOOD ESTABLISHMENTS

88-16.002 Findings and Intent.

The proliferation of trash, litter and sometimes garbage in areas surrounding take-out food establishments is unsightly, unhealthy and may have a negative effect on nearby property values. While proprietors of such businesses cannot be expected to control the conduct of their customers, they profit from the patronage of such customers, and they have the ability to pass through the costs of clean-up necessitated by illegal disposal of trash, litter and garbage originating from their businesses. It is therefore the intent of the board to impose upon the proprietors of such take-out food establishments, joint responsibility for the proper disposal of trash, litter and garbage originating from their business establishments.

(Ord. 89-5 § 2).

88-16.004 Definitions.

"Take-out food establishment" means and includes any business selling perishable food and/or beverages in disposable containers or wrapping for consumption off the premises. A business falling under the definition of "take-out food establishment" is a take-out food establishment for purposes of this chapter even if the take-out food aspect of the business amounts to only a small portion of the business' total income or sales activity. The term "take-out food establishment" includes fast food restaurants. It does not include food markets or stores selling food and beverage only in manufacturer prepackaged and sealed containers or wrapping, or requiring cooking or other preparation prior to consumption.

(Ord. 89-5 § 2).

88-16.006 Permit required.

No person shall establish, maintain or operate a take-out food establishment without obtaining a land use permit therefor pursuant to the provisions of this chapter.

(Ord. 89-5 § 2).

88-16.008 Conditions.

A land use permit to operate a take-out food establishment shall require the permittee and operator of the takeout food establishment to comply with the following conditions of approval:

(1) At least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on public property within four hundred feet of any boundary of the premises on which such take-out food establishment is located.

(2) Upon the request of any owner of private property located within four hundred feet of any boundary of the premises on which the take-out food establishment is located, at least three times a week, pick up and properly dispose of trash, litter and garbage originating from such take-out food establishment, deposited on such private property visible from a public street.

(Ord. 89-5 § 2).

88-16.010 Security.

(a) Required. A cash deposit, letter of credit or corporate surety bond shall be deposited at all times to ensure compliance with the conditions required by this chapter.

(b) Form. A corporate surety bond shall be in a form approved by the county counsel. An instrument of credit shall be in a form approved by the county counsel, from a financial institution regulated by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment on demand and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

(c) Amount. The amount of the security shall be determined by the zoning administrator and shall be in an amount sufficient to pay for the pick-up and disposal of trash, litter and garbage required by Section 88-16.006 approximately fifteen times. Should the amount of the security deposited fall below the amount required to be deposited, the difference shall be deposited forthwith so that at all times the county has access to the amount of security required by this section.

(d) Performance Bond—Notice of Default. When the security deposited is in the form of a surety bond, and the director of community development finds that a default has occurred in the performance of any term or condition imposed pursuant to this chapter, ~~he~~ the director of community development shall give written notice thereof to the principal and surety on the bond, stating the work to be done, its estimated cost, and the period of time reasonably necessary to perform the condition.

(e) Performance Bond—Duty of Surety. After receiving a notice of default, the surety shall have the required work performed within the time specified in the notice.

(f) Other Security—Notice of Default. Whenever the instrument deposited is in the form of a cash deposit or instrument of credit, and the director of community development finds that a default has occurred in the performance of any term or condition imposed pursuant to this chapter, ~~he~~ the director of community development shall give written notice to the principal of those matters set forth in subsection (d) of this section. If the principal does not comply with the notice within the specified time, the director of community development may use any deposited cash to have the work done by contract or other means discretionary with the director of community development, or if the security is in the form of an instrument of credit, ~~he~~ the director of community development may demand immediate payment of the necessary funds from the financial institution, and use the funds as the director~~he~~ would a cash deposit.

(Ord. 89-5 § 2).

88-16.012 Alternative requirements.

Upon a showing of good cause relating to the physical situation of the take-out food establishment, the zoning administrator may modify the requirements imposed by Section 88-16.008, provided such modified requirements are consistent with the intent of this chapter.

(Ord. 89-5 § 2).

88-16.014 Requirements nonexclusive.

The requirements of this chapter are in addition to all other requirements imposed by law. Compliance with this chapter does not authorize the establishment, maintenance or operation of a take-out food establishment without complying with all other applicable requirements of this title and code on the establishment, maintenance or operation of such business.

(Ord. 89-5 § 2).

88-16.016 Enforcement.

In addition to any other remedy available under the law, a violation of any requirement of this chapter, or any condition imposed pursuant to this chapter, is also enforceable pursuant to the provisions of Sections 26-2.2020 through 26-2.2030, inclusive.

(Ord. 89-5 § 2).

Chapter 88-18 OFFSITE VESSEL ADVERTISING[14]

Article 88-18.2. General Provisions

88-18.202 Title.

This chapter shall be known as the Offsite Vessel Advertising Ordinance of Contra Costa County.

(Ord. 2001-23 § 2).

88-18.204 Findings.

The board of supervisors finds as follows:

(a) Billboards and other offsite commercial signs on vessels on waters within the jurisdiction of the county cause visual blight, are distracting, create significant safety hazards to pedestrians and motorists, and reduce the value of waters within the jurisdiction of the county as a public attraction, because billboards and other offsite commercial signs tend to be frequently changed, are specifically and primarily intended to attract the public's attention, and do not enhance the natural beauty or scenery of waters within the jurisdiction of the county.

(b) Onsite commercial signs on vessels on waters within the jurisdiction of the county, including signs identifying commercial shipping, industrial harbor watercraft, and tourist, passenger, and fishing vessels, or their services, goods, or commodities, are much less distracting, cause much less visual blight, and create significantly fewer safety hazards to pedestrians, motorists and boaters than do billboards and other offsite commercial signs, because onsite commercial signs are not changed frequently and often are used primarily for identification rather than to attract the public's attention.

(c) Recreational and competitive sailing on sailboats on waters with the jurisdiction of the county enhance the public's recreational use and enjoyment of waters within the jurisdiction of the county, and promote the economic vitality of the county. Offsite commercial signs displayed on the hulls or sails of sailboats on waters within the jurisdiction of the county, including signs relating to commercial sponsorship, do not cause visual blight or create significant safety hazards to pedestrians and motorists, because sailboats that display offsite commercial signs on their hulls or sails tend to do so only incidentally, remain aesthetically pleasing and thus enhance the natural beauty and scenery of waters within the jurisdiction of the county and promote recreational uses of those waters.

[14] For additional sign provisions, seee Chapters 88-6, 88-8, and 88-9, this code. For additional vessel provisions, see Division 410, this code.

(d) By adopting this ordinance, the board of supervisors does not intend to and is not regulating shipping or other activities on waters within the jurisdiction of the county to the extent that state or federal laws or regulations, including the Shipping Act of 1984 (46 U.S.C. § 1701 et seq)., preempt such regulation.

(Ord. 2001-23 § 2).

88-18.206 Purpose.

The purpose of this chapter is to regulate the display of billboards and other offsite commercial signs on vessels on waters within the jurisdiction of the county in order to protect and enhance the aesthetic value, natural beauty and scenery of waters within the jurisdiction of the county, reduce visual blight, reduce safety hazards to pedestrians, motorists and boaters, protect and enhance the value of waters within the jurisdiction of the county as a public attraction, and promote recreational uses of waters within the jurisdiction of the county. [Harbors and Navigation Code section 660.]

(Ord. 200 1-23 § 2).

Article 88-18.4. Definitions

88-18.402 Onsite sign.

For purposes of this chapter, "onsite sign" means (1) a sign which identifies or advertises a business, good, commodity, service, industry, or other activity which is sold, offered, or conducted, other than incidentally, on the vessel upon which the sign is displayed; or (2) a sign which identifies or advertises a good or commodity that is being transported on the vessel or identifies or advertises a container in which a good or commodity is being transported on the vessel, where the sign is displayed on the good, commodity or container.

(Ord. 200 1-23 § 2).

88-18.404 Offsite sign.

For purposes of this chapter, "offsite sign" means a sign which identifies or advertis~s a business, good, commodity, service, industry, or other activity which is sold, offered, or conducted off the vessel upon which the sign is displayed, or which is sold, offered, or conducted on such vessel incidentally, if at all.

(Ord. 2001-23 § 2).

88-18.406 Sailboat.

For purposes of this chapter, "sailboat" means any watercrafl designed to be and capable of being propelled solely by wind power.

(Ord. 2001-23 § 2).

88-18.408 Sign.

For purposes of this chapter, "sign" means any structure or surface or a device or arrangement attached to or painted or represented upon a structure or surface which is displayed on any vessel and which attracts or is intended to attract attention to an object, product, place, activity, person, institution, organization or business, or

which displays or includes a letter, work, model, figure, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, advertisement, declaration or illustration.

(Ord. 2001-23 § 2).

88-18.410 Vessel.

For purposes of this chapter, "vessel" means every description of watercraft used or capable of being used as a means of transportation on water, including, but not limited to, motorized, towed, or sailing watercraft such as ships, boats, tugboats, barges and sailboats, but not including aircraft.

(Ord. 2001-23 § 2).

Article 88-18.6. Prohibition and Exemptions

88-18.602 Prohibition.

No offsite sign may be displayed on the outside of any vessel on any waters within the jurisdiction of the county.

(Ord. 2001-23 § 2).

88-18.604 Exemptions.

The prohibition in this chapter shall not apply to:

(a) Any onsite sign displayed on a vessel; or

(b) Any sign displayed on the hull or sails of a sailboat, provided that the sails are designed, and are being used, primarily for the propulsion of the sailboat.

(Ord. 2001-23 § 2).

Chapter 88-20 RESERVED

Ord. No. 2024-06, § 3, adopted March 5, 2024, repealed Chapter 88-20 in its entirety, which pertained to Agricultural farm stands and farm markets and derived from Ord. 2007-23 § 2.

Chapter 88-22 METEOROLOGICAL TOWERS

Article 88-22.2. General Provisions

88-22.202 Purpose.

The purpose of this chapter is to establish specific standards and procedures for the establishment and maintenance of meteorological towers in order to promote the public health, safety and welfare of the citizens of Contra Costa County.

(Ord. No. 2013-17, § II, 8-13-13)

88-22.204 Definitions.

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

(a) "Airport influence area" means any airport influence area as specified in the Contra Costa County Airport Land Use Compatibility Plan.

(b) "Guy wire" means a cable, wire, or rope used to anchor, brace, or support a structure.

(c) "Meteorological instrument" means an instrument used to measure, collect, monitor or record air quality, wind speed, or other atmospheric data for scientific purposes.

(d) "Meteorological tower" means a structure, including all guy wires and all accessory facilities, on which a meteorological instrument is mounted.

(e) "Permanent meteorological tower" means a meteorological tower erected for more than one year.

(f) "Temporary meteorological tower" means a meteorological tower erected for one year or less.

(g) "Tower height" means the distance from the highest point on the meteorological tower to the ground level at the base of the tower.

(Ord. No. 2013-17, § II, 8-13-13)

88-22.206 Other laws.

The establishment of a meteorological tower under this chapter does not relieve anyone from the obligation to obtain all other permits and licenses required by this code and state and federal law, and to comply with these laws. In particular, meteorological towers that exceed 200 feet in height must comply with all requirements of the Federal Aviation Administration, including its "Advisory Circular No. 70/7460-1, Obstruction Marking and Lighting."

(Ord. No. 2013-17, § II, 8-13-13)

Article 88-22.4. Standards

88-22.402 Location.

One meteorological tower that meets the requirements of this chapter may be located on any parcel that is one acre or more in size. Only one meteorological tower may be located on one parcel.

(Ord. No. 2013-17, § II, 8-13-13)

88-22.404 Land use districts.

(a) A meteorological tower may be located in any land use district except as otherwise specified in subsections (b) and (c) of this section.

(b) A meteorological tower may not be located in any of the following land use districts: single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), two-family residential district (D-1), multiple-family residential district (M-6, M-9, M-12, M-17, and M-29), water recreational district (F-1), mobile home/manufactured home park district (T-1), planned unit district (P-1), Kensington Combining District (-K), or Interchange Transitional district.

(c) A meteorological tower may not be located within one hundred feet of any of the land use districts specified in subsection (b).

(Ord. No. 2013-17, § II, 8-13-13)

88-22.406 General development standards.

A meteorological tower must comply with the following development standards:

(a) A meteorological tower must be set back from each parcel boundary, and from each public right-of-way adjacent to the parcel, a distance equal to or greater than the tower height.

(b) Appearance. The following requirements apply to any meteorological tower with a tower height less than two hundred feet and greater than fifty feet. The following requirements also apply to any meteorological tower with a tower height of fifty feet or less if required by the zoning administrator after consideration of the tower's location, visibility, or other factors.

(1) The full length of the meteorological tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower. The bands shall be between twenty and thirty feet in width.

(2) Two or more high visibility spherical marker balls, also called cable balls, that are aviation orange shall be attached to each outside guy wire that is connected to a meteorological tower.

(3) One or more seven-foot high visibility safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

(4) All markings described in this subsection must be replaced when faded or otherwise deteriorated.

(c) Lighting. A safety light that meets Federal Aviation Administration standards must be affixed to a meteorological tower with a tower height less than two hundred feet and greater than one hundred fifty feet. A safety light that meets Federal Aviation Administration standards may be required on a meteorological tower with a tower height of one hundred fifty feet or less by the zoning administrator after consideration of the tower's location, visibility, or other factors.

(Ord. No. 2013-17, § II, 8-13-13)

Article 88-22.6. Permits and Fees

88-22.602 Permit—Required.

(a) A land use permit is required to establish, maintain, or expand a permanent meteorological tower.

(b) A temporary meteorological tower permit is required to establish, maintain, or expand a temporary meteorological tower. An application for a temporary meteorological tower permit must comply with the special permit provisions of Article 26-2.20 and will be considered under the administrative decision procedure specified in Article 26-2.21.

(c) A temporary meteorological tower permit may be extended once for a period of up to six months, as long as the application to extend the permit is submitted at least thirty days before the permit expiration date. A temporary meteorological tower operating under a temporary meteorological tower permit extension is not a permanent meteorological tower.

(d) If an application for a proposed temporary meteorological permit does not demonstrate that the tower will comply with the development standards in subsection (a) of Section 88-22.406, the applicant may apply for a land use permit to modify those development standards.

(Ord. No. 2013-17, § II, 8-13-13)

88-22.604 Permit—Information requirements.

An application for a permit under this section must include all of the information specified in Section 26-2.2002 and the following information:

(a) A description of the purpose of the proposed meteorological tower, including the type of data collected, and whether such data will be used for commercial, personal, industrial, or other purposes.

(b) Site and landscape plans drawn to scale.

(c) Documentation regarding: ownership of the parcel of the proposed meteorological tower; any real property interests, such as easements, encumbering that parcel; and authorization to use the proposed site by the property owners.

(d) A United States Geological Survey map showing the location of the proposed meteorological tower; the existing topography, structures, utility lines, and roads on the parcel of the proposed tower; and any structures proposed to be located within one hundred fifty feet of the tower.

(e) A description of how the meteorological tower will comply with the development standards in Section 88-22.406.

(Ord. No. 2013-17, § II, 8-13-13)

88-22.606 Notice requirements.

In addition to providing notice pursuant to Section 26-2.2004 of this code, the department of conservation and development will give notice by mail at least ten days prior to deciding any application pursuant to this chapter, to the following entities under the following conditions:

(a) The Contra Costa County Airport Land Use Commission, if the meteorological tower will be located within an airport influence area or will exceed two hundred feet in height.

(b) The California Aircraft Agricultural Commission, if the meteorological tower will be located in or immediately adjacent to agriculturally zoned land.

(Ord. No. 2013-17, § II, 8-13-13)

88-22.608 Cash deposit required.

(a) Prior to obtaining any permit required by this chapter, an applicant must submit a cost estimate prepared by a contractor that details the cost of removing the meteorological tower and restoring the site to its pre-tower condition. The cost estimate provided must include all material and labor involved. In granting any permit required by this chapter, the zoning administrator will condition the permit on the permittee making a cash deposit in an amount equal to the cost estimate.

(b) The deposit will be used to fix any damage caused by the operation or removal of the meteorological tower or to restore the meteorological tower site to its pre-construction condition. The zoning administrator will give written notice to permittee prior to using some or all of the cash deposit. If the zoning administrator uses any or all of the deposit to fix this damage, the permittee must make an additional cash deposit to restore the balance of the deposit to the initial amount.

(c) A permittee must immediately remove the meteorological tower upon termination or expiration of the permit and must restore the site to its pre-construction condition. After the permittee removes the meteorological tower, the zoning administrator will refund the deposit to permittee, less any amounts used to fix any damage caused by the operation or removal of the meteorological tower or to restore the site to its pre-construction condition.

(Ord. No. 2013-17, § II, 8-13-13)

88-22.610 Fees.

Application, review, and permit fees for meteorological towers will be in amounts established by the board of supervisors in the department of conservation's fee schedule.

(Ord. No. 2013-17, § II, 8-13-13)

Chapter 88-24 WIRELESS TELECOMMUNICATION FACILITIES

Article 88-24.2. General Provisions.

88-24.202. Purpose.

(a) The purpose of this chapter is to establish criteria for the location and design of wireless telecommunication facilities in the county, consistent with state and federal requirements. This chapter is intended to advance and promote the following goals:

(1) Enable wireless telecommunication service providers to provide high quality wireless communications service infrastructure to serve the current and future needs of the county's residents, businesses, and local governments.

(2) Avoid adverse visual and aesthetic impacts of wireless telecommunication facilities by regulating the location and design of the facilities in a manner that is consistent with state and federal laws and regulations, including the 1996 Federal Telecommunications Act and the regulations promulgated under that act.

(3) Protect and enhance the public health, safety, and welfare of county residents.

(4) Encourage collocation of wireless telecommunication facilities whenever feasible.

(b) This chapter establishes requirements that apply to wireless telecommunications facilities consistent with the limitations imposed on the county under state and federal law. Under federal law, the county may not regulate the type of technology used on a wireless telecommunications facility, regulate any facility not located on county-owned property based on radio-frequency emissions emitted by the facility, discriminate between providers of wireless telecommunication services, or prohibit the provision of personal wireless service. Federal law requires the county to allow minor alterations to facilities. Under state law, if an existing facility was approved under a discretionary land use permit following environmental review, the county must allow new facilities to collocate on the existing facility. State law authorizes the county to impose reasonable time, place, and manner restrictions on facilities located within the county's rights-of-way.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.204. Definitions.

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

(a) "Ancillary equipment" means all cables, conduits, connectors, and other equipment that powers or supports a facility or antenna, and does not directly receive or transmit wireless signals or data. Ancillary equipment does not include an antenna support structure.

(b) "Antenna" means any panel, rod, wire, drum, reflecting disc, dish, or similar device used to transmit or receive radio frequency signals or electromagnetic signals. Antenna does not include an antenna support structure.

(c) "Antenna support structure" means a structure on which one or more antennas may be mounted.

(d) "Camouflage" means to reduce the visibility of a facility, when viewed in relation to its surrounding environment, by means of screening, concealment, or other action taken to reduce the facility's visibility within the surrounding environment. Camouflage also means the use of features similar to natural environmental features found in the immediate area surrounding the facility, such as trees and landscaping.

(e) "Collocate" or "collocation" means the mounting or installation of transmission equipment on a facility for the purpose of transmitting or receiving radio frequency signals for communications purposes.

(f) "Collocation-eligible facility" means a facility that is designed and constructed to accommodate future collocation, and for which a land use permit has been issued under this chapter, in accordance with Government Code section 65850.6, subdivision (b).

(g) "County right-of-way" means the areas in, under, above, and adjacent to county roads, highways, and waterways that the County may regulate pursuant to Public Utilities Code section 7901.1.

(h) "Equipment enclosure" means any cabinet, shelter, structure, or vault that is used to enclose and secure ancillary equipment.

(i) "Façade-mounted antenna" means an antenna, including any mounting hardware, that is designed to be mounted on the exterior lateral face of a building or other structure.

(j) "Facility site" means the lot on which a facility is located.

(k) "Final day of use" means the last day of facility operation, or the last day a permit issued under this chapter is valid, whichever is sooner.

(l) "Ground-mounted antenna" means an antenna that is anchored directly to the ground or to an in-ground foundation.

(m) "Guyed tower" means an antenna support structure that is supported, in whole or in part, by guy wires and ground anchors.

(n) "High-visibility facility" means any tower, antenna, or facility that is not a low visibility facility.

(o) "Lattice tower" means an antenna support structure that is freestanding, three- or four-sided, with a trussed steel frame.

(p) "Low-visibility facility" means any of the following:

(1) A facility that does not exceed ten feet in height above ground level and is a ground-mounted antenna, an antenna support structure with antennas, a monopole, a lattice tower, or a guyed tower.

(2) A roof-mounted antenna, or an antenna support structure with antennas, that does not exceed ten feet above the maximum height for the zoning district in which it is located, or ten feet above the surface of the roof on which it is located, whichever is less.

(3) A façade-mounted antenna that does not extend more than thirty-six inches above the roofline of a building or structure.

(4) A facility or antenna installed on an existing high-voltage electricity transmission tower, or installed on an existing utility or street light pole.

(5) A stealth facility or stealth antenna.

(6) A distributed antenna system (DAS) facility.

(7) A minor alteration to an existing facility.

(q) "Minor alteration" means a change to a facility that meets the definition of an "eligible facilities request" in Title 47, Code of Federal Regulations, section 1.40001.

(r) "Monopole" means an antenna support structure that consists of a freestanding single pole constructed without guy wires.

(s) "Mount Diablo area" means the geographic area within the Mt. Diablo State Park boundary at the time that a permit application or request for permit renewal is made.

(t) "Non-urban area" means an area within any zoning district that is designated as "Agricultural Core (AC)," "Agricultural Lands (AL)," "Delta Recreation and Resources (DR)," "Public and Semi-Public (PS)," "Watershed (WS)," "Open Space (OS)," or "Parks and Recreation (PR)," in the land use element of the county general plan.

(u) "Person" means a natural person, corporation, partnership, joint venture, limited liability company, sole proprietorship, or other entity of any kind.

(v) "Reflectivity" means the measure of the amount of energy or light that is reflected from a surface, expressed as a percentage of energy or light directed toward that surface.

(w) "Relocation" means removal of a facility from one facility site and placement of that facility on another facility site. Relocation does not include removal of a facility for the purpose of collocating the facility with a planned or existing collocation-eligible facility.

(x) "Roof-mounted antenna" means an antenna, including any mounting hardware, that is affixed to the roof of a building or other structure.

(y) "Scenic ridge" means an area within any zoning district that is identified as a scenic ridge in the open space element of the county general plan.

(z) "Service network" means a service provider's wireless telecommunications system located within the county.

(aa) "Service provider" means a private sector entity that provides wireless telecommunication services, or provides support facilities to improve or enhance wireless service, or owns or operates a facility.

(ab) "Stealth facility" or "stealth antenna" means a facility or antenna that is not immediately recognizable as a facility or antenna and concealed from view in one of the following ways:

(1) The antenna or facility is integrated, included, or incorporated within another physical feature.

(2) The antenna or facility is designed as a structure, improvement, or feature that is consistent with the surrounding environment in which it is located, such as a flag pole; an agricultural structure,

such as a barn, silo, or windmill; an architectural feature, such as a chimney or parapet; an art piece; or a natural feature, such as a boulder.

(ac) "Substantial change" has the same meaning as "substantial change" in Title 47, Code of Federal Regulations, section 1.40001.

(ad) "Tower" means any ground-mounted antenna support structure, and includes a monopole, a lattice tower, and a guyed tower.

(ae) "Transmission equipment" has the same meaning as "transmission equipment" in Title 47, Code of Federal Regulations, section 1.40001.

(af) "Wireless" means through the airwaves, including, but not limited to, infrared line of sight, cellular, personal communication service (PCS), wireless internet (WiFi), pagers, enhanced specialized mobile radio service, microwave, satellite, radio, and television signals, and similar services that currently exist or that may be developed in the future.

(ag) "Wireless telecommunication facility" or "facility" means a facility that transmits and/or receives wireless signals. The facility may include one or more antenna support structures, antennas, repeaters, radio transmitters, cables, ancillary equipment, equipment enclosures, air vents, support structures, air conditioning units, fans, fire suppression systems, emergency back-up generators or other back-up power sources, parking area and other accessory development.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.206. Applicability.

(a) Application. Except as specified in this section, the requirements of this chapter apply to all of the following: a new facility, a relocated facility, a facility that is removed and replaced, a substantial change to a facility, a collocation on a collocation-eligible facility, and a minor alteration to a facility.

(b) Requirements Cumulative. The requirements of this chapter are in addition to any other applicable requirements of this code, and state and federal laws and regulations, that apply to the location, design, construction, installation, operation, and licensing of each facility.

(c) Exemptions. The following facilities are exempt from this chapter:

(1) An antenna or facility that is expressly exempt from local regulation by any state or federal law or regulation, or by any permit issued by California Public Utilities Commission or Federal Communications Commission.

(2) A facility for non-commercial telecommunication purposes that:

(A) Is located on private property;

(B) Does not exceed the height limit for the zoning district in which it is located; and

(C) Is operated either as a part of the amateur radio service under Title 47, Code of Federal Regulations, Part 97, or as part of a citizen's band radio system under Title 47, Code of Federal Regulations, Part 65, Subpart D.

(3) A microwave dish or satellite dish measuring seventy-two inches or less in diameter that receives but does not transmit radio or television wireless signals.

(4) A facility that is established temporarily and meets both of the following requirements:

(A) The facility is established during or after a community-wide emergency or natural disaster declared by any federal, state, or local official, or during or after an emergency as defined in Title 14, California Code of Regulations, section 15359.

(B) The Facility is Established for Sixty Days or Less. Notwithstanding this sixty-day limitation, the zoning administrator may authorize a temporary facility to remain established for so long as necessary to repair or reconstruct a facility that is damaged or destroyed as a result of an event specified in subsection (c)(4)(A).

(5) A mobile or vehicle-mounted facility that is located at a single location for seventy-two hours or less, and is used by a public or private radio or television broadcasting company, cable service provider, journalist, or internet content provider, for news coverage, public information, or other similar purposes.

(6) A facility owned or operated by one or more federal, state, or local government entities, including, but not limited to, any facility for a regional emergency communication system, and any facility for a 911 system.

(7) A facility accessory to other publicly owned or operated equipment for data acquisition related to irrigation control, well monitoring, or traffic signal control.

(8) A facility existing and operating under a land use permit or other discretionary approval issued prior to the enactment of this chapter may continue to exist and operate under the terms of that permit or approval. However, unless the previously-issued land use permit or other discretionary approval provides otherwise, the facility must comply with the applicable requirements of this chapter, as follows:

(A) If the previously permitted facility is substantially changed, a permit under this chapter must be obtained for the substantially-changed facility.

(B) If the previously permitted facility is removed and replaced with a new facility, a permit under this chapter must be obtained for the new facility.

(C) If the previously permitted facility is relocated, a permit under this chapter must be obtained for the relocated facility.

(D) If a new facility is collocated on the previously permitted facility, a permit under this chapter must be obtained for the new, collocated facility.

(E) If a minor alteration is made to the previously permitted facility, a minor alteration permit under this chapter must be obtained for the minor alteration.

(F) If the previously-issued land use permit or other discretionary approval expires and is not renewed before the discretionary approval expires, a permit under this chapter must be obtained for the facility.

(Ord. No. 2016-11, § II, 5-24-16)

Article 88-24.4. Facility Location, Design, and Operation.

88-24.402. Location of facilities in county right-of-way and county-owned property.

(a) Facilities Within a County Right-of-Way.

(1) A new facility may be located within a county right-of-way pursuant to Public Utilities Code section 7901 only under a wireless facility access permit issued by the county under this chapter. A facility

located in a county right-of-way may be substantially changed only under a wireless facility access permit issued by the county under this chapter.

(2) In addition to the requirements of this chapter, the requirements of Chapters 1002-4 and 1002-8 apply to the construction of, or substantial change to, a facility under a wireless facility access permit. If there is any conflict between the requirements of this chapter and the requirements of Chapters 1002-4 and 1002-8, the requirements of this chapter will govern. The remaining requirements of Division 1002 do not apply to a wireless facility access permit issued under this chapter.

(b) County-Owned Property. An antenna or facility may be located on county-owned property, or on any county-owned facility, if the applicant satisfies both of the following requirements:

(1) The Applicant Must Obtain a Land Use Permit Under This Chapter. In addition to the information that must be submitted to obtain a land use permit under this chapter, the applicant must provide the county sufficient information to enable the county's chief information officer to determine whether the applicant's antenna or facility will interfere with existing antennas or facilities located on the county-owned property or county-owned facility. A land use permit for a facility on county-owned property or a county-owned facility will include location, operation, and other requirements that the county's chief information officer determines are necessary to prevent the applicant's antenna or facility from interfering with any other antennas or facilities on the county-owned property or the county-owned facility.

(2) The applicant must enter into a lease, license, or other agreement with the county. The county has sole discretion to determine whether to lease, license, or otherwise convey an interest in, any of its property or facilities, and the terms of any lease, license, or other agreement may be more restrictive than the requirements of this chapter.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.404. Location requirements applicable within residential zoning districts.

No new high-visibility facility or new tower may be established in, or within three hundred feet of, any of the following:

(a) A single-family residential (R-), two-family residential (D-1), multiple-family residential (M-), water recreational (F-1), mobile home/manufactured home park (T-1), or Kensington combining (-K) zoning district.

(b) A residential lot within a planned unit (P-1) zoning district.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.406. Location requirements.

Except as otherwise specified in Sections 88-24.402 and 88-24.404, the location requirements of this section apply to all facilities in all zoning districts:

(a) Collocation Encouraged. The collocation of facilities with existing or proposed collocation-eligible facilities is encouraged.

(b) Proximity of Towers. No new tower may be located within one thousand feet of an existing tower, unless the zoning administrator finds both of the following:

(1) The cumulative visual and aesthetic impacts of the tower will be less than significant with or without the incorporation of mitigation measures identified during the California Environmental Quality Act environmental review process for the tower.

(2) The existing tower is not a collocation-eligible facility, or collocation is not otherwise possible.

(c) Avoiding Impacts to Ridges, Scenic Ridges, and Peaks.

(1) No facility may be located on a ridge or peak unless the facility is required to close a significant gap in coverage. The zoning administrator will determine whether the facility is required to close a significant gap in coverage based on information provided by the applicant in accordance with subsection 88-24.604(a)(5). If it is feasible to close the significant gap in coverage by collocating a new facility on an existing facility on or near the ridge or peak, the new facility must be collocated. If it is not feasible to close the significant gap in coverage by collocating a new facility on an existing facility on or near the ridge or peak, in its application for a permit under this chapter the applicant must explain why collocation is infeasible.

(2) Notwithstanding anything to the contrary in subsection 88-24.406(c)(1), no facility may be located within fifty horizontal feet of any ridge or peak within the Mount Diablo area, or within fifty horizontal feet of any scenic ridge located in a non-urban area, unless the zoning administrator finds that the facility will not result in significant visual or aesthetic impacts with or without the incorporation of mitigation measures identified during the California Environmental Quality Act environmental review process for the facility. No facility may extend above the height of a ridge or peak within the Mount Diablo area, or above the height of a scenic ridge in a non-urban area, unless the zoning administrator determines that an extension of the facility above the ridge, peak, or scenic ridge will not result in significant visual or aesthetic impacts.

(d) Setback Requirements. A facility that is used for AM, FM, international, or television broadcast service, or that receives television signals for processing and distribution over a cable network (a cable "headend" facility), must meet the setback distance that is the greater of: the setback requirement that applies within the zoning district in which it is located; or a distance equivalent to one hundred ten percent of the height of the facility. All other ground-mounted antenna support structures or towers must meet the setback requirements that apply in the zoning district where the facility is located.

(e) High-Visibility Facilities. A high-visibility facility must be located within the facility site at a location that the zoning administrator finds will have the least visual and aesthetic impacts to the surrounding lots. If a building exists on a lot, no high-visibility facility may be located on the lot between the face of the building and any public street, bikeway, trail, or park.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.408. Design requirements.

(a) Except as otherwise specified in subsections (b) through (f), a facility must meet all of the following requirements in order to limit the facility's visual and aesthetic impacts:

(1) A facility must be designed to minimize its visual and aesthetic impacts on, and to blend in with, the surrounding area.

(2) A facility must have a non-reflective finish and be painted and textured to match or blend with the predominant background.

(3) A facility other than a stealth facility, or portion thereof, that is visible against the skyline must be painted light gray, or a similar color approved by the zoning administrator, or camouflaged, and have a reflectivity of less than fifty-five percent, unless the California Public Utilities Commission, Federal

Communications Commission, Federal Aviation Administration, or any state or federal law, regulation, or rule requires the facility or antenna to be painted, designed, or marked otherwise.

(b) Design Requirements Applicable to Facilities in Residential Zones. A facility on private property located in a single-family residential (R-), two-family residential (D-1), multiple-family residential (M-), water recreational (F-1), mobile home/manufactured home park (T-1), or Kensington combining (-K) district, or that is located on a residential lot within a planned unit (P-1) zoning district, must be a low-visibility facility.

(c) Design Requirements Applicable to Façade-Mounted Antennas.

(1) Visibility. Except for any portion of a façade-mounted antenna that extends above the roofline and is visible against the skyline, a façade-mounted antenna that is not a stealth antenna must be painted a color that matches or blends with the color of the façade on which it is mounted. Any portion of a façade-mounted antenna, other than a stealth antenna, that extends above the roofline and is visible against the skyline must be painted as described in subsection (a)(3). Any equipment enclosure that serves a façade-mounted antenna must be painted a color that matches the color of the surface on which it is mounted.

(2) Installation. A façade-mounted antenna must be installed at least eight feet above ground level. A façade-mounted antenna must be mounted directly on the exterior lateral face of a building or facility.

(3) Maximum Extension. No façade-mounted antenna may extend more than twenty-four inches from the face of the building or structure on which the antenna is mounted. No façade-mounted antenna may extend beyond the corner or edge of the wall on which it is mounted, except that a façade-mounted antenna may extend above the roofline of the facility.

(d) Design Requirements Applicable to Roof-Mounted Antennas. Any portion of a roof-mounted antenna other than a stealth antenna that is visible against the skyline must be painted in the manner described in subsection (a)(3). Any other portion of a roof-mounted antenna other than a stealth antenna must be painted a color that matches or blends with the color of the primary background against which the roof-mounted antenna is viewed from ground level. Any equipment enclosure that serves a roof-mounted antenna must be painted a color that matches the color of the surface on which it is mounted.

(e) Design Requirements Applicable to Towers. In addition to meeting the requirements in subsection (a), a tower and any equipment enclosure and all ancillary equipment that serve a tower must be screened and surrounded by a fence or wall at least six feet in height. Each door or gate must be lockable. Each fence or wall must have a non-reflective finish and be painted and textured to match or blend with the predominant background color in order to minimize visual and aesthetic impacts.

(f) Requirements Applicable to Facilities Within a County Right-of-Way. In addition to meeting all applicable requirements in subsections (a) through (e), a facility within a county right-of-way must meet the following requirements:

(1) A facility must be designed and located so that it does not impair vehicle circulation or parking within the right-of-way. A facility must not impede or impair vehicle, bicycle, or pedestrian access to or within the right-of-way. If the zoning administrator, in consultation with the public works department, determines that a turnout is necessary to avoid impairing vehicle circulation or parking within the right-of-way, the applicant must construct and maintain the turnout.

(2) A facility must be designed and located as follows:

(A) No more than four antenna enclosures may be located on a single utility pole or streetlight pole in a county right-of-way within or adjacent to a residential zone. No facility may be located on a county traffic signal pole.

(B) An equipment enclosure that serves a facility or antenna must be installed below ground, or must be installed at grade and camouflaged. Each below-ground equipment enclosure must be accessible by a flush-to-grade portal.

(C) No antenna may extend above the height of the pole or facility on which it is mounted by more than ten feet.

(D) No antenna may extend over the vehicular path of travel within the right-of-way.

(E) Any portion of a facility or antenna not extending above the height of the pole or facility on which it is located must be painted to match the color of that pole or facility.

(F) A facility or antenna must incorporate any other reasonable, feasible alteration that the zoning administrator determines is necessary to reduce the visual or aesthetic impacts of the facility or antenna.

(G) Ancillary equipment not enclosed in an equipment enclosure must be installed at a location the zoning administrator determines will minimize visual and aesthetic impacts to the greatest extent feasible.

(3) A facility, an equipment enclosure, and ancillary equipment must be designed and located in a manner that does not violate any accessibility requirements of the Americans with Disabilities Act.

(4) A facility, an equipment enclosure, and ancillary equipment must be designed and located in a manner that does not obstruct the roadway views of vehicles, bicycles, and pedestrians traveling within the County right-of-way, and does not obstruct the visibility of signs located within the right-of-way.

(5) No facility may include any advertising material.

(6) No facility may include any type of lighted signal, lights, or other illumination, except to the extent required under state or federal law.

(7) A facility that will be located on a streetlight pole must be located so that it does not block the required illumination provided by the streetlight.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.410. Placards.

A facility and every façade-mounted antenna, roof-mounted antenna, and ground-mounted antenna, must include a placard that states the name, phone number, and address of the service provider and permittee, and all safety precautions or other statements required by the California Public Utilities Commission and Federal Communications Commission. The placard must be mounted on or near the facility or antenna at a location that is visible from ground-level. For any facility that is surrounded by a fence or wall, the placard must be mounted on the exterior of the fence or wall.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.412. Safety and security.

A facility must meet the following facility safety and security requirements:

(a) All ancillary equipment must be enclosed in an equipment enclosure. The equipment enclosure must be locked at all times, except as otherwise approved by the zoning administrator.

(b) No lights or beacons may be installed on any antenna or antenna support structure, unless lights or beacons are required by a state or federal agency having jurisdiction over the antenna or antenna support structure, such as the California Public Utilities Commission, Federal Communications Commission, or Federal Aviation Administration, or if lights or beacons are recommended by the county airport land use commission.

(c) A ground-mounted facility and every tower must include physical measures designed to prevent climbing by unauthorized persons.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.414. Building standards, maintenance, and operational requirements.

(a) A facility must be constructed and maintained in compliance with all applicable local, state, and federal laws and regulations, including County building, electrical, and fire codes.

(b) A facility must be maintained in working order and kept graffiti and litter-free.

(c) A facility, all fences and walls surrounding the facility, and all other fixtures and improvements on a facility site must be repainted as often as necessary to prevent fading, chipping, or weathering of paint.

(d) Any landscaping at a facility site must be maintained in a healthy state. Dead or dying landscaping must be replaced.

(e) If any stealth facility is designed as a flagpole, one or more flags must be flown and properly maintained on the flagpole during daylight hours.

(f) A permittee must notify the zoning administrator within thirty days after any facility license or registration required by any local, state, or federal agency is revoked, modified, replaced, reissued, or suspended.

(g) No facility may be operated at a frequency that will interfere with an emergency communication system or 911 system, including any regional emergency communication system.

(h) Five years after the date a land use permit, collocation permit, or wireless facility access permit is issued under this chapter, and every five years thereafter, a permittee must submit to the zoning administrator a certification that:

(A) States the location of the facility, identifies the land use permit, collocation permit, or wireless facility access permit under which the certification is submitted, and states the date on which the permit was issued; and

(B) States that the facility is in compliance with all applicable county permits, county ordinances, and state and federal laws and regulations.

(Ord. No. 2016-11, § II, 5-24-16)

Article 88-24.6. Permits and Fees.

88-24.602. Permit required.

(a) Except as otherwise provided in subsections (b) through (d), a land use permit is required for a new facility, a substantial change to an existing facility, or a collocation on an existing facility that is not a collocation-eligible facility.

(b) A collocation permit is required for a facility that:

(1) Will be collocated on a collocation-eligible facility; and

(2) Will not be a minor alteration.

(c) A minor alteration permit is required to make a minor alteration to a facility.

(d) A wireless facility access permit under this chapter is required for each new facility and each substantial change to an existing facility located within a county right-of-way.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.604. Application requirements.

(a) The following information must be included in an application for a land use permit, collocation permit, or wireless facility access permit under this chapter:

(1) General Information. An application must include the information specified in Section 26-2.2002. The application must provide the name and address of all service providers that will occupy the facility.

(2) Description of Facility or Substantial Change. An application must describe the type of facility or substantial change for which a permit is sought. The application must describe the proposed physical capacity of the facility at the time of application, including the maximum number of antennas to be located or collocated at the facility. The application must describe the number, type, and dimensions of all antennas, equipment enclosures, ancillary equipment, and antenna support structures. The application must establish that the technology being utilized at the facility will meet Telecommunications Industry Association standards, and must include a copy of all applicable standards.

(3) Authorization to Install. An application must include a statement that the new facility will be, or the existing facility to be substantially changed is, located on a lot, building, or other structure or facility that is owned or leased by the applicant. If the structure or facility is leased by the applicant, the applicant must include a statement that the owner authorizes and consents to the submittal of the permit application.

(4) High-Visibility Facilities — Map of Surrounding Area. An application for a high-visibility facility, or a substantial change that would cause a facility to become a high-visibility facility, must include both of the following:

(A) A USGS topographic map or survey with existing topographic contours showing the proposed facility site and showing the area within a one-mile radius of the site.

(B) A larger-scale map of the facility site showing the facility, all fences and walls surrounding the facility, the equipment enclosure, any access roads, and the surrounding area within a one hundred fifty-foot radius of the facility.

(5) Geographic Service Area. If the applicant claims that a personal wireless service facility is necessary to close a significant gap in service area coverage, the application for the facility must:

(A) Identify the geographic area the facility will serve.

(B) Identify the location and service coverage area of all other facilities operated by the applicant within the county.

(C) Describe the extent to which the proposed facility will increase existing service area capacity, or extend the service provider's service area to cover any existing gap in service coverage.

(D) Include a map based on propagation prediction tools or software and radio frequency propagation measurements at the proposed facility site, or similar engineering data, showing the

estimated service coverage area of the facility in relation to the area affected by the gap in service coverage.

(6) Engineered Drawings. An application must include copies of all engineered drawings and to-scale plans for facility construction and installation, or for completion of the substantial change.

(A) For each tower and other antenna support structure that will be located on a facility site, the engineered drawings must identify all antennas to be included on each tower or structure, any space for future antennas, equipment enclosures, fencing, landscaping, and lighting that will be located at the facility site.

(B) For any ground-mounted, façade-mounted, and roof-mounted antennas, the engineered drawings must show the location at which each antenna will be installed, and the location of any equipment enclosure to serve the antenna.

(7) Electromagnetic Emission Information. An application must include a statement, prepared by an electrical engineer licensed by the State of California Board of Engineers, Land Surveyors and Geologists, that provides all of the following information:

(A) The frequency assigned to the facility by the Federal Communications Commission, and the measures that will be taken to ensure the facility operates within that frequency.

(B) How the facility will conform to the radio-frequency exposure standards adopted by the Federal Communications Commission, and how it will not exceed Federal Communications Commission-adopted standards regarding human exposure in areas subject to general public radio-frequency exposure, as defined by the National Council on Radiation Exposure Prevention.

(C) The anticipated radio and electromagnetic emissions from the facility, and, to the extent ascertainable, the anticipated increase in emissions that will be caused by any future collocation.

(8) Noise. An application must describe the noise impacts (not including construction noise), if any, that will be caused by the antenna or facility.

(9) Statement Regarding Least Intrusive Design. The applicant must certify that the proposed antenna, facility, or substantial change is designed to minimize the size and height of the antenna or facility.

(10) Peer Review. The applicant must agree to reimburse the county for its costs to retain an electrical engineer licensed by the State of California Board of Engineers, Land Surveyors and Geologists to complete a peer review of the information submitted by the applicant under this section, to verify that the information is accurate. At any time before a permit is issued under this chapter, the zoning administrator may require a peer review to be performed pursuant to this subsection (a)(9).

(11) Estimated Cost of Remediation. For a new facility, the application must include an estimate of the cost to remove the facility from the facility site, and restore the facility site to the condition that it was in before the construction and installation of the facility. For a substantial change to an existing facility, the application must include an estimate of any increase in cost attributable to the substantial change to remove the facility and restore the facility site.

(b) Applications for Facilities Requiring a Land Use Permit. In addition to the information required under subsection (a), an application for a facility, or an application for a substantial change to a facility, requiring a land use permit must include:

(1) Visual Simulations and Images. An application must include visual simulations or images that show both the facility site before installation or construction of the facility and the anticipated view of the facility site after the facility is installed or constructed. A visual simulation or image must be provided for each of two adjoining sides (i.e., sides that meet at a corner) of the facility.

(2) Alternatives Considered. An application for a facility must include a description of the facility site-selection process, identify each alternative facility site that was considered, and explain why each alternative facility site was rejected in favor of the proposed facility site. If no alternative sites were considered, the application must explain why no site other than the proposed facility site was considered.

(3) If the application is for a collocation-eligible facility, the application must include a statement that the applicant will allow other service providers to collocate on the facility, as long as there is sufficient permitted facility capacity, and as long as collocation is technically and economically feasible.

(c) Applications for Collocation Permits. In addition to the information required under subsection (a), an application for a collocation permit must include:

(1) A copy of the land use permit for the collocation-eligible facility; and

(2) A copy of any certified environmental impact report, mitigated negative declaration, or negative declaration that was prepared for the collocation-eligible facility.

(d) Applications for Wireless Facility Access Permits. In addition to the information required under subsection (a), each application for a wireless facility access permit must include the following information:

(1) Traffic Control. An application must include a plan to safely guide pedestrian, bicycle, and vehicular traffic in, around, and by construction and installation work.

(2) Accessibility. An application must include a plan for maintaining the facility without impeding or interfering with pedestrian, bicycle, and vehicular traffic and circulation within the county right-of-way.

(3) Analysis of Alternatives. An application must include an analysis of reasonable alternative locations for each antenna or facility, and potential cluster installations of antennas or facilities, in the right-of-way, including the aesthetic impacts of each alternative in comparison to the preferred location.

(4) Visual Simulations and Images. An application must include images of the existing facility site and visual simulations of the anticipated view of the facility site after the facility or antenna is installed or constructed, or the substantial change is completed. A visual simulation or image must be provided for each of two adjoining sides (i.e., sides that meet at a corner) of the facility, and from areas within a visual sightline of the facility, antenna, or substantial change.

(5) Additional Engineered Plans. In addition to the information required by subsection (a)(6), an application must include a scale plan that illustrates all the following within one hundred fifty feet of the proposed antenna, facility, or substantial change: utility poles, light poles, fire hydrants, bus stops, traffic signals, storm drains, above-ground and below-ground utility equipment enclosures, curbs, driveway approaches, easements, walls, existing utility facilities, trees more than six feet in height, sidewalks, and structures, and each adjacent land use.

(e) Applications for Minor Alteration Permits. An application for a minor alteration permit must include the following:

(1) The application must provide the name and address of the owner and operator of the equipment on the facility that is being altered.

(2) The geographic location of the facility.

(3) A copy of the county permit or other county approval that was issued for the facility that will be subject to the minor alteration.

(4) A Description of the Minor Alteration to the Facility. The application must describe the number, type, and dimensions of all antennas, equipment enclosures, ancillary equipment, and antenna support structures that will be collocated on, removed from, or added to the facility.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.606. Financial assurance.

(a) Financial Assurance Required. An applicant for a wireless facility access permit, collocation permit, or a land use permit shall provide a financial assurance as specified in this section as a condition of permit issuance. The zoning administrator will determine the reasonable cost to remove the facility and restore the facility site to the condition that it was in before construction and installation of the facility. An applicant must provide financial assurance in that amount before a permit will be issued under this chapter. A financial assurance must be irrevocable and not cancelable, except by the county.

(b) Duration of Financial Assurance. Each form of financial assurance must remain valid for the duration of the permit and for at least six months following the termination, cancellation, or revocation of the permit.

(c) Form of Financial Assurance. Financial assurance must be provided in one or more of the following forms:

(1) A deposit with the county. The deposit will not earn interest.

(2) A surety bond issued by an admitted surety insurer, pursuant to Code of Civil Procedure section 995.010, et seq.

(3) A standby letter of credit, naming the county as beneficiary, issued by a bank authorized to do business in the state. The letter of credit must be payable within seven business days, upon demand by the county.

(4) An escrow account comprised of any of the following: cash; a negotiable bond of the United States or any state, county, or municipality endorsed by the applicant and rated "A" or "A2" or higher by a nationally-recognized bond rating organization; or a negotiable certificate of deposit in a depository insured by the Federal Deposit Insurance Corporation. The value of any of those will be based on the then-current value, not the value at maturity. The financial instruments held in escrow must be payable within seven business days, upon demand by county.

(5) A renewable bond, or any other financial assurance or security acceptable to the zoning administrator.

(d) Substitution of Financial Assurance.

(1) Substitution Permitted. At any time during the term of a permit, a permittee may replace its financial assurance with another form of financial assurance authorized under this section. After receiving a request to replace its financial assurance, and after the permittee provides the new financial assurance to the county, the county will return any deposit, or authorize the cancellation or revocation of any other financial assurance being replaced.

(2) Substitution Required. If, during the term of the permit, the Federal Deposit Insurance Corporation or another governmental entity becomes the receiver or conservator of the issuer of a financial assurance, or the issuer files for bankruptcy or dissolves, the county may request that the permittee provide a new financial assurance authorized under this section. Within thirty days after that request, a permittee must provide a new financial assurance, and, after it is provided, the County will cancel the financial assurance being replaced. If a permittee does not provide a new financial assurance within thirty days after County's request, the permit will be suspended until the new financial assurance is provided.

(e) County's use of financial assurance. After providing notice to the permittee, the County may draw upon and use a financial assurance to remove an abandoned facility, as provided by this chapter.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.608. Ministerial approval of minor alteration permit application.

(a) Notice of Complete Application. The county will notify an applicant that the application is complete or incomplete. A notice of incomplete application will describe the additional information required to complete the application.

(b) Issuance of Minor Alteration Permit. The zoning administrator will approve an application and issue a minor alteration permit if the zoning administrator finds the minor alteration meets the following requirements:

(1) The minor alteration is to an existing facility;

(2) The minor alteration will not result in a substantial change to the facility.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.610. Ministerial approval of collocation permit application.

(a) Notice of Complete Application. The county will notify an applicant that the application is complete or incomplete. A notice of incomplete application will describe the additional information required to complete the application.

(b) Issuance of Collocation Permit. The zoning administrator will approve an application and issue a collocation permit under this chapter if all of the following requirements are satisfied:

(1) A land use permit was issued under this chapter for the collocation-eligible facility.

(2) A California Environmental Quality Act environmental impact report, mitigated negative declaration, or negative declaration was certified for the existing collocation-eligible facility, pursuant to Public Resources Code section 21000, et seq.

(3) The collocation of the facility with an existing collocation-eligible facility will not require the preparation of a subsequent or supplemental environmental impact report pursuant to Public Resources Code section 21166.

(4) The facility to be collocated will incorporate required mitigation measures specified in an environmental impact report or mitigated negative declaration that was certified for the existing collocation-eligible facility.

(5) The applicant has provided the financial assurance required by this chapter.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.612. Approval of wireless facility access permit application.

(a) Notice of Complete Application. The county will notify the applicant that the application is complete or incomplete. A notice of incomplete application will describe the additional information required to complete the application.

(b) Issuance of Wireless Facility Access Permit.

(1) An application for a wireless facility access permit will be decided under the procedures specified in Article 26-2.21.

(2) Following receipt of a complete application for a wireless facility access permit, the department of conservation and development will provide the application to the public works department for its review.

[(3)] [Reserved.]

(4) A wireless facility access permit will be issued if all of the following requirements are satisfied:

(A) The zoning administrator finds each of the following:

(i) The facility or substantial change will be designed in a manner that complies with the applicable requirements of Section 88-24.408.

(ii) The facility or substantial change will not interfere with the use of the county right-of-way, or existing improvements or utilities located on, in, under, or above the right-of-way.

(iii) The facility or substantial change will not interfere with any vehicular, bicycle, or pedestrian use of the county right-of-way.

(iv) The facility or substantial change will not cause any violation of the accessibility requirements of the Americans with Disabilities Act.

(B) Indemnity Requirement. To the fullest extent permitted by law, the applicant shall defend, indemnify, and hold harmless the county, its officers, employees, contractors, consultants, and volunteers from and against:

(1) All claims, losses, damages (including injury or death), liabilities, suits, costs, and expenses, including reasonable attorney's fees, in any way connected to or arising from the design, construction, installation, use, maintenance, or operation of the facility; and

(2) All claims, actions, or proceedings to attack, set aside, void, or annul any decision to approve the application and issue a wireless facility access permit to the applicant, or any other discretionary action of the county related to the issuance of that permit.

(C) Insurance Requirement. The applicant shall maintain a policy of general liability insurance, naming the county as an additional insured, in the amount of one million dollars that provides coverage for personal injury, death, and property damage resulting from the construction, installation, use, maintenance, and operation, of the facility.

(D) The applicant shall repair, at its sole cost and expense, any damage to the county's or any other person's facilities or improvements caused by the construction of, or substantial change to, the facility.

(E) The applicant shall, upon demand by the county or any other public agency, modify, remove, or relocate its facility, or any portion of its facility, without cost or expense to the county or other public agency, if that modification, removal, or relocation is necessary due to abandonment, change of grade, alignment, or widening of any street, sidewalk, or other public facility, or due to the construction, maintenance, or operation of any other underground or aboveground facility, including, but not limited to, sewers, storm drains, conduits, gas, water, electric, or other utility systems, or pipes owned by the county or any other public agency.

(F) The applicant shall provide the zoning administrator, within one hundred eighty days after the facility is operational, all information required by the zoning administrator to confirm that the facility complies with the requirements of this chapter and with the wireless facility access permit issued under this chapter.

(G) Any required environmental review of the facility has been completed.

(H) The applicant has paid all required fees and costs, including, but not limited to, the application fee, any required environmental review fee, and any peer review fee required to be paid under this chapter.

(I) The applicant has provided the financial assurance required by this chapter.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.614. Discretionary approval of land use permit application.

(a) Notice of Complete Application. The county will notify the applicant that the application is complete or incomplete. A notice of incomplete application will describe the additional information required to complete the application.

(b) Discretionary approval of application and issuance of land use permit. The zoning administrator will approve an application and issue a land use permit under this chapter if it makes the findings required by Section 26-2.2008, and finds all of the following:

(1) The application is complete.

(2) Either:

(A) The facility or substantial change will meet the requirements of this chapter; or

(B) Federal law requires approval of a land use permit for the facility or substantial change.

(3) The facility or substantial change has been reviewed pursuant to all appropriate environmental laws and regulations, including the California Environmental Quality Act.

(4) If an environmental impact report or mitigated negative declaration was prepared for the facility or substantial change, the facility or substantial change will incorporate all mitigation measures identified in either of those documents. Each mitigation measure will be included as a term of the permit.

(5) If the county airport land use commission reviewed and commented on the application, the facility or substantial change will incorporate each mitigation measure recommended by the commission and deemed by the zoning administrator to be necessary to protect public safety, health, and welfare. Each mitigation measure will be included as a term of the permit.

(6) The applicant has provided the financial assurance required by this chapter.

(7) The applicant has paid all required fees and costs, including, but not limited to, the application fee, any required environmental review fee, and any required peer review fee.

(c) Denial of Applications. If the zoning administrator denies an application for a permit, the applicant may appeal the denial pursuant to Article 26-2.24.

(d) Judicial Review of Denial of Personal Wireless Service Facility Permit. For a permit application for a personal wireless service facility, after exhausting its appeals to each division of the planning agency, and within thirty days after receiving the last decision sustaining denial of the permit application, the applicant may seek judicial review of the denial in any court having jurisdiction over the denial, or seek relief from the Federal Communications Commission, as provided by Title 47, United States Code, section 332, subdivision (c)(7)(B)(v).

(Ord. No. 2016-11, § II, 5-24-16)

88-24.616. Permit duration.

(a) A land use permit and a wireless facility access permit issued under this chapter has a term of ten years.

(b) A minor alteration permit and a collocation permit issued under this chapter each has a term that is the shorter of the following:

(1) Ten years; or

(2) The duration, including any renewal period, of the permit that authorizes the existing facility on which the new facility will be collocated or on which the minor alteration will occur.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.618. Permit modification, suspension, and revocation.

A permit may be modified, suspended, or revoked in accordance with Article 26-2.20.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.620. Permit renewal.

(a) A land use permit or other discretionary approval for a facility issued prior to the enactment of this chapter may be renewed in accordance with the requirements in effect at the time the discretionary approval was issued.

(b) A minor alteration permit for collocation, a collocation permit, a land use permit, and a wireless facility access permit issued under this chapter may be renewed as follows:

(1) Timing of Request. A renewal request must be submitted to the zoning administrator at least sixty days before the expiration of the permit's current term.

(2) Required Submittals. A renewal request must be submitted with all of the following:

(A) A copy of the permit being renewed;

(B) A copy of the original application for the permit, if available;

(C) A copy of any environmental document that was certified for the permit.

(3) Renewal of Financial Assurance Required. Before a collocation permit, land use permit, or wireless facility access permit renewal is effective, the permittee must renew the financial assurance provided for its original permit under this chapter, or provide a new financial assurance in a form authorized by this chapter. The renewed or new financial assurance must be in an amount that the zoning administrator determines is necessary to pay, as of the date that the renewal request is approved, the cost to remove the facility and restore the facility site to its original condition before construction or installation of the facility.

(4) Approval of Renewal Request.

(A) A renewal request for a minor alteration permit for collocation will be approved by the zoning administrator upon receipt of a renewal request and all required submittals.

(B) A renewal request for a collocation permit, land use permit, or wireless facility access permit will be approved by the zoning administrator after receiving the request and all required submittals if the zoning administrator finds all of the following:

(i) The facility meets of the county requirements applicable to the facility at the time that a permit was issued for the facility, and any terms or conditions included in the permit for the facility.

(ii) The permittee has met the financial assurance requirements of subsection (b)(3).

(iii) The permittee has paid the renewal request processing fee.

(5) Permit Renewal Duration.

(A) A land use permit renewal or a wireless facility access permit renewal has a term of ten years.

(B) A minor alteration permit renewal or collocation permit renewal has a term that is the shorter of the following:

(i) Ten years; or

(ii) The duration, including any renewal period, of the permit that authorizes the existing facility on which the minor alteration or collocated facility is located.

(C) A permit issued under this chapter may be renewed at the expiration of a prior renewal period, provided all of the requirements of this subsection (b).

(Ord. No. 2016-11, § II, 5-24-16)

88-24.622. Discontinuation of facility use and facility abandonment.

(a) Discontinuation of Facility Use. The following requirements apply when a permittee intends to discontinue its use of a facility:

(1) Notice of Discontinuance of Use. At least sixty days before the final day of use, a permittee that intends to discontinue its use of any facility must provide to the zoning administrator written notice of the permittee's intent to discontinue use of the facility. A copy of the notice must be provided to the owner of the facility site if the permittee is not the owner of that site.

(2) Removal and Restoration. Within sixty days after the final day of use, the permittee must completely remove the facility and restore the facility site to the condition it was in before the construction and installation of the facility. Within forty-eight hours after completing facility removal and facility-site restoration, the permittee must provide notice to the county that removal is complete. The county may inspect the facility site to confirm removal is complete.

(3) Cancellation of Financial Assurances. Within thirty days after receiving a notice of completion of facility removal and facility-site restoration, the county will confirm that facility removal and facility-site restoration are complete and then return any financial assurance deposited with it, and cancel, or authorize the cancellation of, any other type of financial assurance provided by the permittee.

(b) Facility Abandonment. If the permittee fails to remove the facility and restore the facility site to the condition it was in before the construction and installation of the facility, as provided in subsection (a), the county will consider the facility to be abandoned. The following provisions apply to an abandoned facility:

(1) Notice of Abandonment. The county will provide the owner of the facility thirty days' advance written notice that the county deems the facility to be abandoned and that it will draw upon and use the financial assurances, as described in this subsection (b).

(2) Removal and Restoration. If, within thirty days after the date of the notice, the owner has not commenced facility removal and facility-site restoration, the county may draw upon and use the financial assurances to complete facility removal and facility-site restoration. If the owner commences facility removal and facility-site restoration within thirty days after the date of the notice, but does not complete removal and restoration within sixty days after the date of the notice, the county, without further notice to the owner, may draw upon and use the financial assurances to complete facility removal and facility-site restoration.

(3) Cancellation of Remaining Financial Assurances. The amount of the financial assurances used by county may not exceed the county's actual cost of facility removal and facility-site restoration. After completing facility removal and facility-site restoration, the county will return to the permittee, cancel, or authorize the cancellation of, any remaining amount of financial assurance.

(Ord. No. 2016-11, § II, 5-24-16)

88-24.624. Other permits and licenses.

(a) A person who is issued a permit under this chapter is not relieved from the obligation to obtain all other permits or licenses for a facility required by this code or state or federal law, including, but not limited to, licenses issued by the California Public Utilities Commission, Federal Communications Commission, or Federal Aviation Administration.

(b) A person who has obtained permits or licenses otherwise required by this code or state or federal law for a facility is not relieved from the obligation to obtain a permit that is required by this chapter.

(Ord. No. 2016-11, § II, 5-24-16)

Chapter 88-26 TOBACCO RETAILING BUSINESSES

Sections:

Article 88-26.2 General

88-26.202 Purposes.

The primary purposes of this chapter are to restrict the concentration of tobacco retailing businesses in any one area; to minimize the availability of tobacco products to minors by prohibiting tobacco retailing businesses from locating near schools and other youth-sensitive areas; and to prohibit hookah lounges, vapor lounges, and significant tobacco retailing businesses, which have a deleterious effect upon adjacent areas.

(Ord. No. 2017-10, § II, 7-11-17)

88-26.204 Definitions.

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

(a) "Hookah lounge," also referred to as a "hookah bar," means any facility, building, structure, or location where customers smoke tobacco or other substances through one or more hookah pipes (also commonly referred to as a hookah or waterpipe).

(b) "Significant tobacco retailing business" means any tobacco retailing business for which twenty percent or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both.

(c) "Tobacco paraphernalia" and "tobacco product" have the definitions set forth in Section 445-2.006.

(d) "Tobacco retailing" means selling, offering for sale, or exchanging or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia. This definition is without regard to the quantity of tobacco products or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

(e) "Tobacco retailing business" means any facility, building, structure, or location that is used, whether as a primary use or as an ancillary use, for tobacco retailing.

(f) "Tobacco retailer's license" means a license issued in accordance with Section 445-10.010.

(g) "Vapor lounge," also referred to as a "vape lounge," "vapor bar," "electronic smoking device bar," or "electronic smoking device lounge," means any facility, building, structure, or location where customers use one or more electronic smoking devices; as defined in Section 445-2.006, to deliver an inhaled dose of nicotine or other substance within the establishment.

(Ord. No. 2017-10, § II, 7-11-17)

Article 88-26.4 Tobacco Retailing Business Locations

88-26.402 Restrictions.

In land use districts where tobacco retailing regulated by this chapter would otherwise be a permitted use, it is unlawful to establish or maintain a tobacco retailing business if the location of the business is:

(a) Within five hundred feet of any parcel occupied by any other tobacco retailing business; or

(b) Within one thousand feet of any parcel occupied by a public or private school, playground, park, or library.

For the purposes of this section, distance is measured by the shortest line connecting any point on the property line of the parcel on which the tobacco retailing business will be established or maintained to any point on the property line of the other parcel.

(Ord. No. 2017-10, § II, 7-11-17)

88-26.404 Establishment.

For the purposes of this article, the establishment of a tobacco retailing business includes the opening of a tobacco retailing business as a new business, the relocation of an existing tobacco retailing business to a different location, or the conversion of an existing retail business location to a tobacco retailing business.

(Ord. No. 2017-10, § II, 7-11-17)

88-26.406 Nonconforming tobacco retailing use.

(a) For the purposes of this chapter, each of the following is a nonconforming tobacco retailing use:

(1) Tobacco retailing at any lawful tobacco retailing business, existing at the time this chapter becomes effective, that does not conform to the provisions of Section 88-26.402.

(2) Tobacco retailing at any lawful tobacco retailing business that, after this chapter becomes effective, does not conform to the provisions of Section 88-26.402(b) due to the lawful establishment of a public or private school, playground, park, or library.

(b) A nonconforming tobacco retailing use is not a violation of this chapter. If a nonconforming tobacco retailing use is continued after the effective date of this chapter, all applicable permits and licenses, including a tobacco retailer's license, must be maintained in full force and effect, and the nonconforming tobacco retailing use may not be increased, enlarged, or expanded.

(Ord. No. 2017-10, § II, 7-11-17)

88-26.408 Compliance with code provisions.

A tobacco retailing business allowed under this chapter may only be established and maintained in full compliance with Division 445.

(Ord. No. 2017-10, § II, 7-11-17)

Article 88-26.6 Hookah Lounges, Vapor Lounges, and Significant Tobacco Retailing Businesses

88-26.602 Hookah lounges prohibited.

A hookah lounge may not be established in any land use district.

(Ord. No. 2017-10, § II, 7-11-17)

88-26.604 Vapor lounges prohibited.

A vapor lounge may not be established in any land use district.

(Ord. No. 2017-10, § II, 7-11-17)

88-26.606 Significant tobacco retailing businesses prohibited.

A significant tobacco retailing business may not be established in any land use district.

(Ord. No. 2017-10, § II, 7-11-17)

Chapter 88-28 CANNABIS REGULATION[15]

Article 88-28.2. General

88-28.202 Purpose and authority.

(a) The purpose of this chapter is to regulate the personal cultivation of cannabis, and the commercial cultivation, distribution, transportation, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act.

[15]Editor's note(s)—Ord. No. 2018-18, § 3, adopted June 26, 2018, repealed and replaced Ch. 88-28, §§ 88-28.002—88-28.008, in its entirety. Former Ch. 88-28 pertained to similar subject matter and was derived from Ord. No. 2017-26, § II, adopted October 24, 2017.

(b) A permit issued under this chapter regulates the location of commercial cannabis activities and regulates the business operations of commercial cannabis activities, as authorized by Business and Professions Code section 26200, Government Code section 65850, and Business and Professions Code section 16100.

(c) The requirements of this chapter are in addition to any other applicable requirements of this code and all applicable state laws and regulations. The requirements of this chapter apply to commercial cannabis activities regardless of whether the activity is authorized under a state A-license or a state M-license.

(Ord. No. 2020-05 § 3, 2-25-20; Ord. No. 2018-18, § 3, 6-26-18)

88-28.204 Prohibited activities.

(a) Commercial cannabis activities not expressly authorized by this chapter are prohibited in all zoning districts.

(b) Temporary commercial cannabis events are prohibited in all zoning districts.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.206 Definitions.

(a) Except as otherwise provided in subdivision (b), the definitions set forth in Division 10 of the Business and Professions Code, and the definitions set forth in Health and Safety Code section 11362.7, apply to this chapter.

(b) The following terms have the following meanings for purposes of this chapter:

(1) "Bureau" has the meaning set forth in Business and Professions Code section 26001(e).

(2) "Business" means a business engaged in one or more commercial cannabis activities under a State license and a permit issued under this chapter.

(3) "Commercial cannabis activity" means any of the following: the retail sale of cannabis or cannabis products under Section 88-28.412; the commercial cultivation of cannabis under Section 88-28.414; the manufacturing of cannabis or cannabis products under Section 88-28.416; cannabis testing under Section 88-28.418; and the distribution of cannabis or cannabis products under Section 88-28.420.

(4) "Deliver" or "delivery" means the commercial transfer of cannabis or cannabis products from a retailer to a customer.

(5) "Delivery retailer" means a retailer that conducts retail sales of cannabis or cannabis products exclusively through deliveries.

(6) "Department" means the Department of Conservation and Development.

(7) "Director" means the Director of Conservation and Development, or designee.

(8) "Indoor commercial cultivation" includes both "indoor cultivation" and "mixed-light cultivation," as defined in Title 3, California Code of Regulations, section 8000. Indoor commercial cultivation includes, but is not limited to, commercial cultivation of cannabis within a building, structure, greenhouse, or hoop house.

(9) "Outdoor commercial cultivation" means commercial cultivation of cannabis that meets both of the following criteria:

(A) The cannabis is cultivated without the use of any light deprivation, any artificial lighting, or any supplemental low-intensity lighting.

(B) The cannabis is cultivated outdoors, and it is not cultivated within a building, structure, greenhouse, or hoop house.

(10) "Retailer" means a State-licensed retailer of cannabis or cannabis products. A retailer may be a delivery retailer or a storefront retailer.

(11) "Retail water supplier" means a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission, that provides retail water service. A retail water supplier does not include a mutual water company.

(12) "State license" or "license" means a license issued pursuant to Division 10 of the Business and Professions Code, sections 26000 through 26231.2. A state license may be a state A-license or a state M-license.

(13) "Storefront retailer" means a retailer that conducts retail sales of cannabis or cannabis products in whole or in part at a facility that is open to the public.

(14) "Temporary commercial cannabis events" means those activities described in and covered by Business and Professions Code section 26200(e), and Sections 5600 through 5603 of Title 16 of the California Code of Regulations.

(15) "Vertically-integrated business" means a business that includes two or more of the following commercial cannabis activities: the retail sale of cannabis and cannabis products under Section 88-28.412; the commercial cultivation of cannabis under Section 88-28.414; the manufacturing of cannabis or cannabis products under Section 88-28.416; and the distribution of cannabis or cannabis products under Section 88-28.420.

(16) "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in sufficient quantities, will create explosive or ignitable mixtures, including, but not limited to, butane, hexane, and propane.

(Ord. No. 2018-18, § 3, 6-26-18)

Article 88-28.4. Permit Requirements

88-28.402 Land use permit required.

(a) Permit Required. Except as provided in section 88-28.404, a land use permit is required for all commercial cannabis activities in the unincorporated areas of the County.

(b) Permit Term. A permit issued under this chapter shall have an initial term of five years. A permit may be renewed for additional five-year terms, one additional term at a time, as set forth in Section 88-28.424.

(c) Limits on storefront retailer, commercial cultivation, and cannabis manufacturing permits.

(1) No more than four permits for storefront retailers under Section 88-28.412 will be in effect at any one time.

(2) No more than ten permits for commercial cultivation under Section 88-28.414 will be in effect at any one time.

(3) No more than two permits for cannabis manufacturing within an agricultural zoning district under Section 88-28.416 will be in effect at any one time. The permit limit in this Section 88-28.402(c)(3) does not apply to either of the following:

(A) Cannabis manufacturing within a zoning district that is not an agricultural zoning district.

(B) A vertically-integrated business in an agricultural zoning district that includes both cannabis cultivation and cannabis manufacturing.

(4) A permit issued for a vertically-integrated business that authorizes both (A) a storefront retailer under Section 88-28.412, and (B) commercial cultivation under Section 88-38.414, does not count toward the commercial cultivation ten-permit limit in Subsection (c)(2). Except as specifically provided in the preceding sentence or elsewhere in this Section 88-28.402(c), a permit issued for a vertically-integrated business counts toward the permit limit for each commercial cannabis activity involved in the vertically-integrated business.

(Ord. No. 2018-27, § 3, 9-25-18; Ord. No. 2018-18, § 3, 6-26-18)

88-28.404 Selection process for specified commercial cannabis activities.

(a) Solicitation. An application for a commercial cannabis activity that is subject to a permit limit in Section 88-28.402(c) may be submitted only after the conclusion of a solicitation process conducted in accordance with this section. In advance of a solicitation, the Board of Supervisors will approve the solicitation and adopt forms and procedures necessary to implement the solicitation process, including the form of a request for proposals. The solicitation process approved by the Board of Supervisors will be administered by the Director. An application to renew a permit issued under this chapter is not subject to the requirements of this section.

(b) Notification Lists. Notification lists may be established to maintain lists of persons that have expressed an interest in obtaining a permit for a commercial cannabis activity that is subject to a permit limit in Section 88-28.402(c). Notification lists are to assist the County in providing notice of solicitations to interested persons. A person's inclusion on a notification list confers no priority or advantage with respect to any solicitation under this section. A person's inclusion on a notification list does not guarantee the person will receive notice about any solicitation.

(c) Issuance of Request for Proposals. After the Board of Supervisors approves a solicitation for a commercial cannabis activity that is subject to a permit limit in Section 88-28.402(c), the Director will issue a request for proposals on a form approved by the Board. Persons on an applicable notification list may be notified of the availability of the request for proposals. Notice of the availability of the request for proposals also may be provided to other persons, or in any other manner, as determined by the Board of Supervisors.

(d) Proposal Submission Deadline. All proposals must be submitted by the proposal submission deadline specified in the request for proposals.

(e) Evaluation of Proposals. All proposals timely submitted in response to a request for proposals will be evaluated by a panel using scoring criteria specified in the request for proposals. All proposals will be ranked according to the scores determined by the panel.

(f) Invitation to Apply for a Permit. Following the evaluation of proposals, the persons who submit the highest scoring proposals will be provided written notice that they may apply for a permit under this chapter. The notice will specify the application deadline. The number of persons receiving notice will not exceed the number of permits available for the applicable commercial cannabis activity. If the Department does not receive a timely submitted application from a person invited to apply for a permit, the person who submitted the proposal with the next highest score may be invited to apply for a permit. If a request for proposals specifies a minimum score needed to be eligible to be invited to apply for a permit, persons who receive scores below the minimum score will not be invited to apply for a permit.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.406 Exemptions from permitting requirements.

(a) Personal Cultivation.

(1) A permit under this chapter is not required for a person twenty-one years of age or older to cultivate six or fewer cannabis plants at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, if all of the following conditions are met.

(A) The private residence or accessory structure, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.

(B) All living cannabis plants cultivated indoors, and all cannabis in excess of twenty-eight and one-half grams produced by cannabis plants cultivated on the grounds of a private residence, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.

(C) The private residence must be lawfully occupied by the person twenty-one years of age or older who cultivates the cannabis plants within the private residence or within the accessory structure. If the private residence is not owner-occupied, written permission from the owner of the private residence must be obtained before cannabis plants may be cultivated.

(D) Notwithstanding anything to the contrary, up to three of the cannabis plants cultivated under this subsection (a)(1) may be cultivated outdoors on the grounds of a private residence, if all of the following conditions are met.

(i) The edge of each cannabis plant canopy must be at least ten feet away from property lines of the lot on which the private residence is located.

(ii) No cannabis plant may exceed a height of five feet above ground level.

(iii) No cannabis plant may be visible from a right-of-way, street, sidewalk, or other place accessible to the public.

(iv) All cannabis plants cultivated outdoors must be enclosed by fencing, and all gates and other points of entry to the outdoor growing area must be locked at all times.

(2) Personal cultivation by qualified patients and primary caregivers is subject to the restrictions set forth in Business and Professions Code section 26033 and Health and Safety Code section 11362.77, and the requirements of subsection (a)(1).

(b) Deliveries originating outside of the unincorporated County.

(1) A licensed and permitted commercial cannabis delivery business located outside of the County may travel on public roads within the County for the purpose of delivering cannabis or cannabis products to persons in jurisdictions other than the County, where the delivery of cannabis and cannabis products is authorized.

(2) A licensed and permitted commercial cannabis delivery business located outside of the County may deliver cannabis or cannabis products to persons in unincorporated Contra Costa County, as long as all of the following requirements are met.

(A) The business possesses both (i) a current County business license, and (ii) a current County health permit issued under Chapter 413-4 of this code.

(B) The business shall ensure that the employees, upon request, provide the following documentation to law enforcement officers and to employees of State and local agencies enforcing this chapter and the requirements of State laws and regulations:

(i) A copy of the business' current permits, licenses, and entitlements authorizing the business and deliveries.

(ii) The employee's valid government-issued identification.

(iii) A copy of each delivery request.

(iv) Chain of custody records for all cannabis or cannabis products being delivered.

(C) All vehicles used to deliver cannabis and cannabis products must be owned by the business. The business shall ensure that its drivers do not deliver cannabis or cannabis products on the business' behalf using any vehicles other than vehicles provided by the business.

(D) All drivers who deliver cannabis and cannabis products on behalf of the business must be employed by the business. The business may not utilize independent contractors to deliver cannabis or cannabis products. The business shall ensure that each of its drivers possesses a valid State driver's license.

(E) The business shall ensure that its employees who deliver cannabis or cannabis products require customers to show State-issued identification at the time a delivery is made. The business shall ensure that its employees deliver cannabis and cannabis products only:

(i) To persons who are twenty-one years of age or older, or

(ii) To persons who are eighteen years of age or older and either possess a physician's recommendation, or are primary caregivers.

(Ord. No. 2018-27, § 4, 9-25-18; Ord. No. 2018-18, § 3, 6-26-18)

88-28.408 Permit application requirements.

(a) Requirements for All Applications. Each person applying for a permit authorizing commercial cannabis activities under this chapter shall include the following information in the permit application:

(1) The type of State license that the applicant will obtain.

(2) Proof of ownership of the property where the business will be located. If the applicant is not the owner of the property where the business will be located, a notarized, written authorization from each owner of the property that is the subject of the application consenting to the application and the operation of the proposed commercial cannabis activity on the subject property. In the authorization, each owner shall expressly agree that it will evict a person who violates the requirements of this chapter or a permit issued under this chapter.

(3) The address and assessor's parcel number of the property or properties where the business will be located.

(4) The name and address of each person or entity responsible for the operation of the commercial cannabis activity, which includes but may not be limited to each manager, each corporate officer, each individual with an ownership interest, each member of a board of directors, each general or limited partner, and each member of a decision-making body for the commercial cannabis activity.

(5) Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activities being proposed.

(6) An operating plan that includes all of the following information:

(A) A standard operating procedures manual detailing how operations will comply with State and local regulations; how safety and quality of products will be ensured; record keeping procedures for financing, testing, and other items records required to be kept by State law; and product recall procedures.

(B) Proposed hours of operation.

(C) Waste disposal information.

(D) Medical recommendation verification procedures, if applicable, and youth access restriction procedures.

(E) A record keeping policy that ensures records will be kept in accordance with State laws and regulations.

(F) A description of track and trace measures that will be implemented.

(G) Sustainability measures that will be utilized at the business, including water efficiency measures, energy generation and efficiency measures, high efficiency mechanical systems, and alternative fuel transportation methods.

(H) An odor control plan that describes how the business will prevent odors from impacting neighboring parcels or creating a public nuisance.

(I) Size, height, colors, and design of any proposed signage at the business.

(J) A parking plan that establishes how all off-street parking requirements will be met.

(K) A security plan that establishes how all security requirements in State laws and regulations will be satisfied.

(L) Details regarding how cannabis and cannabis products will be received, stored, handled, transported, and secured to prevent theft and trespass.

(7) Information describing how any conditions specified in a request for proposals will be satisfied.

(b) Retailer Applications. In addition to the information required in subsection (a), an application for a retailer permit must include in its operating plan information describing how the requirements in Section 88-28.412 will be satisfied.

(c) Commercial Cultivation Applications. In addition to the information required in subsection (a), an application for a commercial cultivation permit must include in its operating plan information describing how the requirements in Section 88-28.414 will be satisfied, and the following additional information:

(1) A floor plan or site plan identifying the location, dimensions, and boundaries of all proposed canopy areas, taking into account space needed for ongoing care of plants, and a description of the proposed method of physically delineating those boundaries at the site.

(2) The application must include proof of water service availability from a retail water supplier.

(d) Cannabis Manufacturing Applications. In addition to the information required in subsection (a), an application for a cannabis manufacturing permit must include in its operating plan information describing how the requirements in Section 88-28.416 will be satisfied, and the following additional information:

(1) Information on products used in the manufacturing process, including the liquids, solvents, and agents, used in the manufacturing process.

(2) Identification of each solvent used in the manufacturing process, the quantities of solvents used, and the maximum quantities of solvents that will be stored onsite.

(3) Protocol for storing products used in the manufacturing process and a hazard response plan.

(4) Manufacturing quality control measures.

(e) Cannabis Testing Laboratory Applications. In addition to the information required in subsection (a), an application for a testing laboratory permit must include in its operating plan information describing how the requirements in Section 88-28.418 will be satisfied, and the following additional information:

(1) Details about how cannabis will be received, secured, tested, and destroyed upon completion of testing, all in accordance with State laws and regulations.

(2) A copy of a certificate of ISO/IEC 17025 accreditation from an accreditation body. If a certificate is not available at the time of application or before a permit is issued, providing a copy of the certificate to the Department will be required as a condition of operating the testing laboratory.

(3) Procedures for record keeping, including chain of custody control.

(f) Cannabis Distribution Applications. In addition to the information required in subsection (a), an application for a cannabis distribution permit must include in its operating plan information describing how the requirements in Section 88-28.420 will be satisfied, and the following additional information:

(1) The location and physical layout of parking, loading, and storage areas.

(2) A cannabis storage and handling plan that ensures quality control.

(g) Vertically-Integrated Businesses. In addition to the information required in subsection (a), an application for a vertically-integrated business permit must include all information this section requires for each type of commercial cannabis activity that will be included in the vertically-integrated business.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.410 Standards applicable to all commercial cannabis activities.

The standards in this section apply to all commercial cannabis activities.

(a) Health Permit and State License Required. No business may operate under a permit issued under this chapter unless and until the permittee possesses both (1) a State license authorizing the same commercial cannabis activities that are authorized under the permit, and (2) a commercial cannabis health permit issued under Chapter 413-4. Before a business begins operating, a permittee shall provide the Department (1) a copy of the permittee's State license and a copy of the State license application, and (2) a copy of the permittee's County health permit. A permittee shall provide the Department a copy of each renewed license and renewal application within thirty days after a State license is renewed. A permittee shall provide the Department a copy of each renewed County health permit within thirty days after the permit is renewed. All requirements of the permittee's State license shall be deemed to be incorporated as requirements of the permit issued under this chapter.

(b) Location Requirements.

(1) Notwithstanding anything to the contrary in this chapter or elsewhere in this code, no commercial cannabis activities may be located within a cannabis exclusion (-CE) combining district.

(2) All commercial cannabis activities shall be located within the urban limit line established pursuant to Chapter 82-1, except as follows:

(A) A business engaged in outdoor commercial cultivation, or a vertically-integrated business that includes outdoor cultivation, must be located outside of, and at least one mile from, the urban limit line.

(B) A business engaged in indoor commercial cultivation, or a vertically-integrated business that includes indoor commercial cultivation, may be located within an agricultural zoning district outside the urban limit line.

(C) A business engaged in manufacturing, or a vertically-integrated business that includes manufacturing, may be located outside the urban limit line.

(D) No vertically-integrated business that includes a retailer may be located outside of the urban limit line.

(3) A business shall meet the following buffer requirements:

(A) A business may not be located within one thousand feet of any of the following located in the unincorporated County or in a city: a school providing instruction in kindergarten or any grades one through twelve; a day care center; or a youth center; or a drug treatment center.

(B) A storefront retailer may not be located within five hundred feet of any other storefront retailer located in the unincorporated County or in a city.

All distances specified in this section shall be the horizontal distance measured in a straight line from nearest property line to nearest property line.

(c) Vertically-Integrated Businesses. A vertically-integrated business must satisfy all requirements that apply to each commercial cannabis activity in which the business is engaged under this chapter. A permit for a vertically-integrated business will include all permit requirements that apply to each category of commercial cannabis activity in which the business is engaged.

(d) Prohibited Activities. A business that is permitted under this chapter may not sell tobacco or alcoholic beverages.

(e) Age Restrictions. No persons under the age of eighteen may be present on the premises of any business that has a State M-license. No persons under the age of twenty-one may be present on the premises of any business that has a State A-license, but does not have a State M-license. No person under the age of twenty-one may be present on the premises of any testing business.

(f) Inspections. The County shall have the same rights of access that the bureau has under Title 16 of the California Code of Regulations, section 5800. A permittee shall allow access to its business and records if requested by the County, its officers, employees, or agents. A permittee, upon request, shall submit to an inspection by the County for the purpose of verifying the permittee is operating its business in compliance with the requirements of this chapter, the terms of a permit issued under this chapter, the State license, and all applicable requirements of this code and State laws and regulations. A permittee, upon request, shall provide the County with copies of records that the County requires to verify the permitee's compliance with this chapter and other applicable requirements of this code and State laws and regulations. A permittee must pay the applicable inspection fees for each County inspection.

(g) Records. A permittee shall maintain all records in accordance with Business and Professions Code sections 26160 through 26162.5. The County shall have the same powers as licensing authorities under Business and Professions Code sections 26160 through 26162.5.

(h) Compliance Review. The Department may perform a compliance review at any time during the term of a permit to determine whether a permittee is complying with the permit's terms and conditions, the requirements of this chapter, and all applicable laws and regulations. The Department will perform a compliance review at least once in each of the first, second, and fourth year during the initial five-year term of a permit issued under this chapter. If a permit is renewed under this chapter for one or more additional five year terms, the Department will

perform a compliance review after the first two and one-half years of each renewal term. A permittee shall cooperate with the Department to complete the compliance review and must pay all applicable compliance review fees.

(i) CEQA Compliance. The issuance of a permit under this chapter is a discretionary activity that is subject to environmental review under the California Environmental Quality Act (CEQA). A permit will not be issued under this chapter unless and until the County has completed all applicable CEQA environmental review. An applicant shall pay all costs that the County incurs to satisfy the requirements of CEQA. A permit issued under this chapter shall include appropriate measures to mitigate the impacts of commercial cannabis activities, as determined by the County during CEQA environmental review.

(j) Unique Identification Protocol. A permittee must comply with all applicable track-and-trace systems developed by the State for reporting the movement of cannabis and cannabis products throughout the distribution chain.

(k) Indemnity. As a condition of issuance of a permit under this chapter, an applicant shall be required to enter into an indemnification agreement with the County that requires the applicant to indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a land use permit, the County's discretionary approvals for the commercial cannabis activities, the County's actions pursuant to CEQA and planning and zoning laws, and the operation of the commercial cannabis activities, regardless of when those liabilities accrue.

(l) Notifications. A permittee shall provide written notice to the Department within five days after receiving any of the following from the bureau: a notice to comply, a citation, an interim order to suspend any license or impose any restrictions upon any permittee, an order revoking a license, or any other writing informing the permittee of any disciplinary action proposed to be taken or actually taken against the permittee.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.412 Standards applicable to retailers.

The standards in this section and the standards in Section 88-28.410 apply to retailers.

(a) Location Requirements. A retailer may be located only in the following zoning districts located outside of a cannabis exclusion (-CE) combining district: planned unit development (P-1) when retailers are permitted by the development plan; retail-business (R-B); general commercial (C); controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I). No retailer may be located outside of the urban limit line.

(b) Hours of Operation. A delivery retailer may not be open to the public. A storefront retailer's hours of operation may not begin earlier than 8:00 a.m., and they may not end later than 9:00 p.m.

(c) Security. A retailer shall implement and maintain the security measures required by Business and Professions Code section 26070(j). At the same time that a retailer provides notice to a licensing authority and law enforcement under Business and Professions Code section 26070(k), the retailer shall provide that same notice to the Department.

(d) Deliveries.

(1) A storefront retailer may deliver cannabis or cannabis products. An application for a storefront retailer permit must indicate whether the storefront retailer will provide deliveries in accordance

with the requirements of this subsection (d). Deliveries of cannabis may only be provided by retailers that operate under permits issued under this chapter. A delivery retailer shall conduct sales exclusively by delivery and may not conduct any retail sales at the premises of the storefront.

(2) If a retailer provides deliveries, the retailer shall ensure that its employees who deliver cannabis or cannabis products possess the following documentation while making deliveries, and the retailer shall ensure that the employees, upon request, provide the following documentation to law enforcement officers and to employees of State and local agencies enforcing this chapter and the requirements of State laws and regulations:

(A) A copy of the retailer's current permits, licenses, and entitlements authorizing the retailer and deliveries.

(B) The employee's valid government-issued identification.

(C) A copy of each delivery request.

(D) Chain of custody records for all cannabis or cannabis products being delivered.

(3) All vehicles used to deliver cannabis and cannabis products must be owned by the retailer. A retailer shall ensure that its drivers do not deliver cannabis or cannabis products on the retailer's behalf using any vehicles other than vehicles provided by the retailer.

(4) All drivers who deliver cannabis and cannabis products on behalf of the retailer must be employed by the retailer. A retailer may not utilize independent contractors to deliver cannabis or cannabis products. A retailer shall ensure that each of its drivers possesses a valid State driver's license.

(5) A retailer that provides deliveries shall ensure that its employees who deliver cannabis or cannabis products require customers to show State-issued identification at the time a delivery is made. A retailer shall ensure that its employees deliver cannabis and cannabis products only:

(A) To persons who are twenty-one years of age or older, or

(B) To persons who are eighteen years of age or older and either possess a physician's recommendation, or are primary caregivers.

(e) Products. A retailer shall ensure that all cannabis and cannabis products at the premises of the retailer are cultivated, manufactured, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full conformance with all applicable state and local laws, regulations, and ordinances, including this chapter.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.414 Standards applicable to commercial cultivation.

The standards in this section and the standards in Section 88-28.410 apply to commercial cultivation businesses.

(a) Location Requirements. Commercial cultivation may be located only in the following zoning districts outside of a cannabis exclusion (-CE) combining district: general agricultural (A-2); heavy agricultural (A-3); A-20 exclusive agricultural; A-40 exclusive agricultural; A-80 exclusive agricultural; planned unit (P-1) when commercial cultivation is permitted by the development plan; controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I). A business engaged in commercial cultivation may cultivate cannabis outdoors only if the business is located in a general agricultural (A-2), heavy

agricultural (A-3), A-20 exclusive agricultural, A-40 exclusive agricultural, or A-80 exclusive agricultural zoning district located outside of a cannabis exclusion (-CE) combining district.

(b) Indoor Commercial Cultivation. All indoor commercial cultivation must be conducted within a building, as defined in Section 82-4.210, or within a greenhouse. No indoor commercial cultivation may be conducted indoors within a residential building.

(c) Security. A commercial cultivation business must include security measures to both deter and prevent unauthorized entrance into areas of the business used for cultivation, including the following measures.

(1) Indoor commercial cultivation areas must be locked, and no cannabis plants may be visible from outside of the indoor commercial cultivation areas. Outdoor cultivation areas and greenhouses must be fenced and all gates must be locked. Fencing surrounding outdoor cultivation areas and greenhouses must be designed and maintained to ensure those areas and greenhouses are not visible from adjacent lots, private roads, and public rights-of-way.

(2) Access to the premises must be limited to authorized personnel.

(3) The premises must include an alarm system and security cameras to monitor all cultivation areas and all entryways. The alarm system and security cameras must be monitored twenty-four-hours per day by a licensed alarm company operator.

(d) Water.

(1) To the maximum extent feasible, water conservation measures, water recapture systems, drip irrigation, raised beds, or grey water systems must be incorporated in cannabis cultivation operations in order to minimize use of water.

(2) Except as specified in subsection (d)(3), water service for a commercial cultivation business must be provided by a retail water supplier.

(3) A commercial cultivation business may satisfy its water demand by pumping groundwater from a groundwater production well if all of the following criteria are met:

(A) The retail water supplier does not provide retail water service at all times during the year.

(B) Groundwater is used to satisfy water demand of the business only during those periods when the retail water supplier does not provide retail water service to the business.

(C) The use of groundwater by the business will not substantially deplete groundwater supplies, and will not substantially interfere with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level.

(D) The business uses groundwater in accordance with any applicable groundwater sustainability plan adopted by a groundwater sustainability agency within which the business is located.

(e) Energy Systems. An indoor commercial cultivation business shall satisfy its electricity demands by (1) providing onsite renewable energy generation, or (2) purchasing electricity that is generated entirely from renewable sources, or a combination of (1) and (2).

(f) Size Limits.

(1) Indoor Commercial Cultivation.

(A) The total canopy size for indoor commercial cultivation in other than agricultural zoning districts may not exceed the lesser of:

(i) Twenty-two thousand square feet, or

(ii) The maximum size authorized by the State license for the business.

(B) Indoor commercial cultivation in an agricultural zoning district may not be located in any building that is larger than ten thousand square feet of floor area.

(2) Outdoor Commercial Cultivation. The total canopy size for outdoor cultivation may not exceed the lesser of:

(A) Two acres, or

(B) The maximum size authorized by the State license for the business.

(g) Rural Infrastructure. A commercial cultivation business located outside the urban limit line shall include measures to avoid and minimize impacts on rural infrastructure, including, but not limited to, water, sewer, and transportation infrastructure.

(h) Distribution. A vertically-integrated business that includes both cultivation and distribution may transport its cultivated cannabis from its cultivation site to another permitted and licensed business, unless a permit under this chapter requires the permittee to use a licensed and permitted commercial cannabis distributor to transport its cultivated cannabis from its cultivation site to another business.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.416 Standards applicable to cannabis manufacturing.

The standards in this section and the standards in Section 88-28.410 apply to cannabis manufacturing businesses.

(a) Location. A cannabis manufacturing business may be located only within the following zoning districts located outside of a cannabis exclusion (-CE) combining district: planned unit development (P-1) when manufacturing cannabis or cannabis products is permitted by the development plan; general commercial (C); controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I); general agricultural (A-2); heavy agricultural (A-3); A-20 exclusive agricultural; A-40 exclusive agricultural; and A-80 exclusive agricultural.

(b) No Volatile Solvents. Cannabis manufacturing that will require a State "Type 7" license, or will use volatile solvents, is prohibited.

(c) Security. A cannabis manufacturing business shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products, including an alarm system and security cameras that monitor all manufacturing areas and entryways and that are monitored twenty-four-hours per day by a licensed alarm company operator.

(d) Products. A cannabis manufacturing business shall ensure that all manufactured cannabis products are cultivated, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full conformance with State laws and regulations and the applicable requirements of this chapter. A cannabis manufacturing business shall maintain adequate quality control measures to ensure cannabis and cannabis products manufactured at the site meet applicable requirements of State laws and regulations.

(e) Employee Training. A cannabis manufacturing business shall ensure that all employees of the business operating potentially hazardous equipment are trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure.

(f) Rural Infrastructure. A cannabis manufacturing business located outside the urban limit line shall include measures to avoid and minimize impacts on rural infrastructure, including, but not limited to, water, sewer, and transportation infrastructure.

(g) Distribution. A vertically-integrated business that includes both manufacturing and distribution may transport its manufactured cannabis products from its manufacturing business to another permitted and licensed business, unless a permit issued under this chapter requires the permittee to use another licensed and permitted commercial cannabis distributor to transport its manufactured cannabis products from its manufacturing business to another permitted and licensed business.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.418 Standards applicable to testing laboratories.

The standards in this section and the standards in Section 88-28.410 apply to testing laboratories.

(a) Location. A testing laboratory may be located only within the following zoning districts located outside of a cannabis exclusion (-CE) combining district: planned unit development (P-1) when cannabis testing laboratories are permitted by the development plan; general commercial (C); controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I).

(b) Restrictions. No person may simultaneously hold a cannabis testing laboratory permit and another permit issued under this chapter. A testing laboratory shall not employ any person who is simultaneously employed by another business engaged in commercial cannabis activities.

(c) Testing Procedures. A testing laboratory shall comply with all applicable State laws and regulations, including, but not limited to, the requirements of Title 16 of the California Code of Regulations, sections 5700 through 5739.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.420 Standards applicable to cannabis distribution.

The standards in this section and the standards in Section 88-28.410 apply to cannabis distribution businesses.

(a) Location. A cannabis distribution business may be located only within the following zoning districts located outside of a cannabis exclusion (-CE) combining district: planned unit development (P-1) when cannabis distribution is permitted by the development plan; general commercial (C); controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I).

(b) Security. A cannabis distribution business shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products. These security measures include but are not limited to the following:

(1) Measures to prevent individuals from loitering on the premises of the distribution business.

(2) Designation of limited access areas accessible only to authorized distribution business personnel.

(3) Storage of cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss.

(4) An alarm system and security cameras that monitor all storage areas and entryways and that are monitored twenty-four-hours per day by a licensed alarm company operator.

(c) Distribution. A cannabis distribution business may transport cannabis and cannabis products only between permitted and licensed businesses. A cannabis distribution business shall maintain copies of all shipping manifests during transportation, and shall require employees to make the manifest

available for inspection upon request by the County, its officers, employees, contractors, and agents enforcing the requirements of this chapter, including law enforcement.

(d) Records. A cannabis distribution business shall maintain appropriate records of transactions and shipping manifests in accordance with State laws and regulations.

(e) Testing and Inspections Required. A commercial cannabis distributor shall inspect cannabis and cannabis products for quality assurance before the cannabis and cannabis products are distributed. Cannabis and cannabis products shall be packaged and labeled in accordance with the requirements of State laws and regulations.

(f) Vehicle Fleet. All vehicles used to distribute cannabis and cannabis products must be owned by the cannabis distributor. A cannabis distribution business shall ensure that its drivers do not distribute cannabis or cannabis products on the business's behalf using any vehicles other than the vehicles provided by the business.

(g) Drivers. All drivers that distribute cannabis and cannabis products on behalf of the cannabis distribution business must be employed by the business. A cannabis distribution business may not utilize independent contractors to distribute cannabis and cannabis products on behalf of the business. A cannabis distribution business shall ensure that each of its drivers possesses a valid State driver's license.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.422 Permit conditions and issuance.

(a) The County may include, in a permit issued under this chapter, reasonable conditions of approval related to the impacts of the commercial cannabis activity.

(b) All of the findings in Section 26-2.2008 and all of the following findings must be made before a permit is issued under this chapter:

(1) The application for commercial cannabis activities has been reviewed pursuant to all appropriate environmental laws and regulations, including the California Environmental Quality Act (CEQA).

[(2)] [Reserved.]

(3) All mitigation measures identified by the County during CEQA environmental review are included as permit terms.

(4) A finding that the permit includes conditions to avoid adverse impacts to surrounding communities, neighborhoods, and sensitive receptors, including, but not limited to, libraries and parks.

(5) A finding that the permit includes conditions to fully mitigate the effects of a commercial cannabis activity that may pose a significant threat to the public or to neighboring uses from explosion, or from the release of harmful gases, liquids, or substances. If any of those threats cannot be fully mitigated, a permit under this chapter will not be issued for the commercial cannabis activity giving rise to that threat.

(6) The applicant has entered into an indemnity agreement that meets the requirements of Section 88-28.410(m).

(7) The applicant has paid all applicable fees and costs charged by the County and made all deposits required by the County, including, but not limited to, the application fee, all fees and costs required to complete CEQA environmental review, and all compliance review fees and deposits. The permit will require payment of all fees for compliance reviews and inspections of the business.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.424 Permit renewal.

(a) Eligibility for Renewal. A permit issued under this chapter may be renewed for one or more five-year terms, one term at a time, only if all of the following requirements are met as of the date the renewal request is made:

(1) The permittee is in compliance with all of the terms of the permit being renewed, and there are no grounds to suspend or revoke the permit under this chapter or under Article 26-2.20.

(2) The commercial cannabis activity authorized under the permit is authorized by this code as of the date the renewal request is made.

(3) The permittee maintains a current State license and current County health permit for each commercial cannabis activity authorized by the permit being renewed.

(b) Timing of Request. A permit renewal request must be submitted to the Department at least sixty days before the expiration of the permit's current term.

(c) Required Submittals. A permit renewal request must be made on forms provided by the Department. A permit renewal request must be submitted with all of the following:

(1) A copy of the permit being renewed.

(2) A copy of a current State license authorizing each commercial cannabis activity that is authorized under the permit being renewed.

(3) A copy of the original permit application.

(4) A copy of any environmental document that was certified for the permit.

(d) Approval of Renewal Request. A permit renewal request will be approved by the zoning administrator, after the zoning administrator determines all of the following:

(1) The permit renewal request and all required submittals were timely received.

(2) The permit is eligible for renewal under this Section 88-28.424.

(3) The applicant has paid all applicable fees required by the County, and has made all deposits required by the County, including, but not limited to, a renewal application fee and a condition compliance fee deposit.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.426 Permits nontransferable.

(a) A permit issued under this chapter is not transferable or assignable to another person.

(b) A permit issued under this chapter terminates if a change in ownership results in one or more new persons owning a total of twenty percent or more of the business.

(c) Any change to the information provided to the department in an application for a permit under this chapter must be reported to the department within fourteen days after the change occurs.

(Ord. No. 2020-05 § 2, 2-25-20)

Article 88-28.6. Suspension, Revocation, and Enforcement

88-28.602 Grounds for suspension or revocation.

In addition to the grounds for permit suspension or revocation set forth in Article 26-2.20, a permit issued under this chapter may be suspended or revoked on any of the following grounds:

(a) A permittee has not complied with one or more of the conditions of the permit issued under this chapter.

(b) A permit was issued under this chapter based on any false material information, written or oral, given by the permitee.

(c) A permittee has not complied with the requirements of this chapter, any other applicable requirements of this code, or any requirements of State laws or regulations.

(d) A permittee's State license has been suspended or revoked.

(e) A permittee's County health permit has been suspended or revoked.

(f) A permittee has possessed or delivered any form of illegal drugs without proper legal authorization.

(g) A permittee fails to pay any fee, or make any deposit, required by the County as a condition of permit issuance, including, but not limited to, all condition compliance fees and deposits required by the County.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.604 Modification, suspension, and revocation.

A permit issued under this chapter may be modified, suspended, or revoked in the same manner as other conditional use permits under Article 26-2.20.

(Ord. No. 2018-18, § 3, 6-26-18)

88-28.606 Enforcement.

The County may enforce this chapter by any remedy allowed under this code and any other remedy allowed by law.

(Ord. No. 2018-18, § 3, 6-26-18)

Chapter 88-30 SOLAR ENERGY FACILITIES

Article 88-30.2 General

88-30.202 Title.

This chapter is known as the Solar Energy Facilities Ordinance of Contra Costa County.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.204 Purpose.

The purpose of this chapter is to regulate the establishment of commercial solar energy facilities in the unincorporated area of Contra Costa County.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.206 Definitions.

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

(a) "Accessory solar energy facility," also referred to as a "solar energy system," means a solar energy facility that is designed to collect, store, and distribute no more solar energy than what is necessary to meet on-site energy demand.

(b) "Commercial solar energy facility" means a solar energy facility that is designed to collect, store, and distribute solar energy that will be used to meet off-site energy demand.

(c) "Solar energy facility" means any solar collector or other solar energy device that collects, stores, and distributes solar energy for space heating, space cooling, electric generation, or water heating. "Solar energy facility" includes a photovoltaic system consisting of one or more solar panels, a solar thermal system that converts solar energy to electricity by heating a working fluid to power a generator, and a solar hot water system designed to heat water for either domestic or commercial uses.

(Ord. No. 2020-07 § II, 2-25-20)

Article 88-30.4 Permits

88-30.402 Land use permit required.

No person may establish or expand a commercial solar energy facility in the unincorporated area of the County without first obtaining a land use permit, except as otherwise provided in this chapter.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.404 Permit-exception.

A commercial solar energy facility may be established or expanded without a land use permit if the facility meets all of the following criteria.

(a) The facility is installed on the roof of an existing building or on a parking canopy at an existing parking lot. For purposes of this section, "existing parking lot" means an area designated and used for parking of vehicles as of the time the commercial solar energy facility is established and for at least the previous two years.

(b) The facility is located in a general commercial (C), light industrial (L-I), or heavy industrial (H-I) district, or in a planned unit (P-1) district with an underlying general plan land use designation of commercial or industrial.

(c) The facility complies with the standards set forth in sections 88-30.604 through 88-30.614.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.406 Application and fee.

An application for a land use permit for a commercial solar energy facility must be made in writing on a form approved by the director and must be accompanied by the required fee, in an amount established by the board of supervisors in the department's fee schedule.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.408 Compliance review.

The department may perform a compliance review at any time to determine whether a permittee is complying with the permit's terms and conditions, the requirements of this chapter, and all applicable laws and regulations. A permittee shall cooperate with the department to complete the compliance review and must pay all applicable compliance review fees.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.410 Building permits.

Nothing in this chapter, and no permit or permission granted under this chapter, waives any requirement of Title 7, including the requirement to obtain all applicable building permits for construction of a commercial solar energy facility.

(Ord. No. 2020-07 § II, 2-25-20)

Article 88-30.6 Standards

88-30.602 Location requirement.

A commercial solar energy facility may be established on any lot in a general commercial (C), light industrial (L-I), or heavy industrial (H-I) district, or in a planned unit (P-1) district with an underlying general plan land use

designation of commercial or industrial, or in a solar energy generation (-SG) combining district. ;hn0; (Ord. No. 2020-07 § II, 2-25-20)

88-30.604 Setbacks.

The front yard, side yard, and rear yard setback requirements for a commercial solar energy facility are those applicable in the underlying zoning district.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.606 Height.

(a) A ground-mounted commercial solar energy facility may not exceed twenty-five feet in height. For a ground-mounted facility, height is measured as the vertical distance from the natural or finished grade, whichever is lower, to the top of the structure.

(b) A roof-mounted commercial solar energy facility may not exceed four feet above the roof surface.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.608 Visibility.

A commercial solar energy facility that is visible from any public right-of-way or other public space must be designed and installed to minimize visual and aesthetic impacts to the greatest extent feasible.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.610 Illumination.

A commercial solar energy facility may not include any type of lighted signal, lights, or other illumination, except as necessary for the operation of the facility. ;hn0; (Ord. No. 2020-07 § II, 2-25-20)

88-30.612 Septic system avoidance.

A commercial solar energy facility may not be located above a septic system or leach field unless approved by the Environmental Health Division of the County Department of Health Services.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.614 Habitat avoidance.

A commercial solar energy facility may not be located within seventy-five feet of any creek or within fifty feet of any other aquatic habitat unless a land use permit is issued and the zoning administrator determines: that there will be no impact to the aquatic habitat; or that mitigation measures are available to minimize or offset any impacts to the aquatic habitat and the zoning administrator requires the mitigation measures as a condition of permit approval.

(Ord. No. 2020-07 § II, 2-25-20)

88-30.616 Site restoration.

If a commercial solar energy facility is located in an -SG combining district, the following site restoration requirements apply.

(a) A site restoration plan must be approved by the zoning administrator before a land use permit is issued. The restoration plan must do all of the following:

(1) Identify the specific properties to which the plan applies.

(2) Indicate that all commercial solar energy facilities, buildings, structures, and foundation will be removed to three feet below finished grade.

(3) Detail all regrading and revegetation necessary to return the subject property to the condition existing before the commercial solar energy facility was established or expanded. The plan must accurately show all topography, vegetation, drainage, and unique environmental features of the site.

(4) Provide an estimate of total restoration costs, including materials and labor.

(5) Include a statement that the operator, applicant, and permittee guarantee and accept responsibility for all restoration work for a period of two years after completion of restoration.

(b) A cash deposit or surety bond must be deposited with the department to ensure the completion of the restoration work described in an approved plan. The zoning administrator will determine the amount of security before a land use permit is issued. The amount of security will include all material and labor costs, adjusted for inflation to reflect anticipated total costs at the time of restoration.

(Ord. No. 2020-07 § II, 2-25-20)

Article 88-30.8 Accessory Solar Energy Facilities

88-30.802 Approved use.

An accessory solar energy facility may be established in any zoning district in accordance with Chapter 718-12. The permitting and standards provisions of this chapter do not apply to accessory solar energy facilities.

(Ord. No. 2020-07 § II, 2-25-20)

Chapter 88-32 SHORT-TERM RENTALS

Article 88-32.2 General

88-32.202 Title.

This chapter is known as the Short-term Rental Ordinance of Contra Costa County.

(Ord. 2020-12 § II, 6-2-20)

88-32.204 Purposes.

The purposes of this chapter are to regulate the renting of residential dwelling units for periods of thirty consecutive days or less; to establish a procedure for reviewing and approving short-term rental permit applications; and to establish location, parking, occupancy, and other standards for short-term rentals to limit the impact on neighbors.

(Ord. 2020-12 § II, 6-2-20)

88-32.206 Definitions.

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

(a) "Accessory dwelling unit" has the same meaning as in Section 82-24.004.

(b) "Host" means a person who occupies as their~~his or her~~ primary residence a residential dwelling unit located on the same lot as a short-term rental.

(c) "Hosted" means that a host has a physical presence at the host's ~~his or her~~ primary residence located on the same lot as a short-term rental during the entire period that the short-term rental isrented.

(d) "Non-hosted" means that a host is absent from the host's ~~his or her~~ primary residence located on the same lot as a short-term rental during some or all of the period that the short-term renal isrented.

(e) "Primary residence" means a residential dwelling unit that a person physically occupies and lives in on a day-to-day basis. A person can only have one primary residence.

(f) "Residential dwelling unit" means a building, or a portion thereof, designed for residential occupation by one persons or a group of two or more persons living together as a domestic unit.

(g) "Responsible party" means a person that is designated by the applicant as a point of contact for the short-term rental.

(h) "Short-term rental" means a residential dwelling unit, or a portion of a residential dwelling unit, that is rented, or offered for rent, for compensation or consideration, for a period of thirty consecutive days or less.

(Ord. 2020-12 § II, 6-2-20)

Article 88-32.4 Permits

88-32.402 Permit—Required.

No person shall establish or operate a short-term rental in the unincorporated area of the county without first obtaining a permit as provided in this chapter.

(Ord. 2020-12 § II, 6-2-20)

88-32.404 Location.

(a) A short-term rental may be operated on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), planned unit district (P-1) for residential uses, water recreational district (F-1), or a multiple-family residential district (M-6, M-9, M-12, M-17, and M-29).

(b) A short-term rental may be operated on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80), except that a short-term rental may not be operated on a lot under a Williamson Act contract.

(Ord. 2020-12 § II, 6-2-20)

88-32.406 Application.

(a) An owner, lessee, or holder of a similar interest in a residential dwelling unit may apply for a short-term rental permit by filing an application with the department. The application must be on a form approved by the director and contain all of the following information.

(1) The name(s), address(es), and contact information of the applicant(s) and property owner(s).

(2) The name(s), address(es), contact information, and primary residence documentation of the host(s) if the short-term rental will be hosted for any period. The host's primary residence must be documented by at least two of the following: motor vehicle registration, driver's license, California state identification card, voter registration, income tax return, property tax bill, or a utility bill.

(3) The address and assessor's parcel number for the lot.

(4) A legible site plan of the lot, showing:

(A) All structures located on the lot and indicating the residential dwelling unit proposed for short-term rental; and

(B) The location of the parking spaces required by this chapter.

(5) A legible floor plan of the residential dwelling unit proposed for short-term rental.

(6) The property owner's consent to the short-term rental of the residential dwelling unit.

(7) A statement that the short-term rental of the residential dwelling unit is not prohibited by a restrictive covenant.

(8) The name and contact information of the responsible party associated with the short-term rental. The responsible party must be eighteen years of age or older, reside within a thirty-mile radius of the short-term rental, and be available by telephone for the duration of any rental period to respond to complaints regarding activity at the short-term rental.

(9) The applicant's agreement to indemnify, defend, and hold harmless the county, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a short-term rental permit, the county's approval of the permit, and the operation of the short-term rental.

(Ord. 2020-12 § II, 6-2-20)

88-32.408 Permitting procedure.

(a) Except as otherwise provided in this section, an application for a permit to establish and operate a short-term rental that meets the short-term rental regulations specified in Section 88-32.602 will be approved ministerially without discretionary review or public hearing unless any of the following grounds for denial exist.

(1) The application is incomplete.

(2) The applicant has made a false statement or omitted a material fact from the application.

(3) The applicant has not paid all required fees in accordance with the fee schedule adopted by the board of supervisors.

(4) The applicant is delinquent in payment of county taxes.

(5) Another short-term rental permit associated with the residential dwelling unit, the applicant, or the owner had been revoked within twenty-four months of the date of application.

(6) The short-term rental does not meet the location requirements specified in Section 88-32.404.

(7) The residential dwelling unit proposed for short-term rental is a deed-restricted below-market-rate residential unit.

(8) The residential dwelling unit proposed for short-term rental violates any provision of this code, including, but not limited to, the building standards in Title 7.

(b) An application for a permit to establish and operate a short-term rental that does not meet one or more of the short-term rental regulations specified in Section 88-32.602 will be considered under the administrative decision procedure specified in Article 26-2.21. A discretionary short-term rental permit will be approved if:

(1) None of the grounds for denial under Section 88-32.408(a) exist; and

(2) The zoning administrator makes the findings specified in Section 26-2.2008.

(Ord. 2020-12 § II, 6-2-20)

88-32.410 Term and renewal.

(a) Ministerial short-term rental permit.

(1) A ministerial short-term rental permit will expire one year from the date the permit was approved, unless it is revoked sooner.

(2) An application for renewal must be filed with the department at least thirty calendar days before the permit expires. If any of the documentation or information supplied by the applicant pursuant to Section 88-32.406 has changed since the permit was approved, the applicant must submit updated information and documentation with the application for renewal.

(3) An application to renew a ministerial short-term rental permit will be approved ministerially unless any of the following grounds for denial exist.

(A) Any of the grounds for denial under Section 88-32.408(a) exist.

(B) The application is filed less than thirty days before the permit expires.

(C) The applicant is delinquent in payment of county taxes.

(D) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(b) Discretionary short-term rental permit.

(1) A discretionary short-term rental permit will expire on the date specified in the permit, unless it is revoked sooner. No short-term rental permit will be issued for a term longer than five years.

(2) An application to renew a discretionary short-term rental permit will be considered in the same manner as a new application under Section 88-32.408(b).

(Ord. 2020-12 § II, 6-2-20)

88-32.412 Notice to neighbors.

After a short-term rental permit is issued, the department will notify all owners of property within three hundred feet of the short-term rental that a permit was issued. The notice will be in writing and contain the location of the short-term rental, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the short-term rental ordinance is listed.

(Ord. 2020-12 § II, 6-2-20)

88-32.414 Permits not transferable.

A short-term rental permit may not be transferred.

(Ord. 2020-12 § II, 6-2-20)

88-32.416 Fees.

Fees for short-term rental permits will be in amounts established by the board of supervisors in the department's fee schedule. A short-term rental permit will not be approved until the applicant has paid the applicable permit fee.

(Ord. 2020-12 § II, 6-2-20)

Article 88-32.6 Requirements

88-32.602 Short-term rental regulations.

A permittee shall comply with all of the following regulations while operating a short-term rental, unless a discretionary short-term rental permit specifies otherwise.

(a) No more than one short-term rental may be operated on any lot.

(b) A residential dwelling unit located within a building that contains five or more dwelling units may not be operated as a short-term rental.

(c) A non-hosted short-term rental may not be rented for more than ninety days in a calendar year. A hosted short-term rental may not be rented for more than one hundred eighty days in a calendar year. The maximum number of days a short-term rental may be rented in a calendar year is one hundred eighty days.

(d) The overnight guest occupancy of a short-term rental may not exceed two persons per bedroom, plus two additional persons. Children under the age of twelve are not counted towards the total number of guests.

(e) A short-term rental with three or fewer bedrooms for rent must include at least one off-street parking space available for use by guests. A short-term rental with four or more bedrooms for rent must include at least two off-street parking spaces available for use by guests. The required off-street parking spaces must be located on the same lot as the short-term rental, but may be located within the lot's setback area. The maximum number of guest vehicles permitted at a short-term rental is equal to the number of off-street parking spaces available for use by guests.

(Ord. 2020-12 § II, 6-2-20)

88-32.604 Operational standards.

The following standards apply to the use of short-term rentals.

(a) Excessive traffic to and from the short-term rental that significantly impairs the quiet enjoyment of neighboring properties is prohibited.

(b) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. The amplification of sound by any device outside the short-term rental is prohibited. Quiet hours during which noise must be restricted to the interior of the short-term rental shall be between 10:00 p.m. and 7:00 a.m. the following morning.

(c) The obstruction of any public right-of-way, road, street, highway, or private road is prohibited.

(d) The overnight guest occupancy of a short-term rental may not exceed that approved by the permit. No more than twenty persons, including children, may gather at a short-term rental at any time.

(Ord. 2020-12 § II, 6-2-20)

88-32.606 Accessory dwelling units.

An accessory dwelling unit may not be operated as a short-term rental.

(Ord. 2020-12 § II, 6-2-20)

88-32.608 No events.

No event, including a conference, wedding, fundraiser, or similar gathering, or any commercial event, may be held at a short-term rental. ;hn0; (Ord. 2020-12 § II, 6-2-20)

88-32.610 No signs.

No sign or writing visible from the exterior of the short-term rental indicating that the dwelling unit is available for rent may be posted anywhere on the lot where the short-term rental is located.

(Ord. 2020-12 § II, 6-2-20)

88-32.612 Posting of permit and permit number.

(a) A permittee shall post copies of the short-term rental permit, business license, and all applicable regulations and standards in a conspicuous place in each room in which a guest is expected to sleep.

(b) In any advertisement for a short-term rental, the permittee shall specify the short-term rental permit number, business license number, maximum occupancy, maximum number of vehicles allowed, and the applicable quiet hours at the short-term rental. For the purposes of this subsection, "advertisement" means any method used to solicit interest in the short-term rental, including, but not limited to, internet-based listing or hosting services.

(Ord. 2020-12 § II, 6-2-20)

88-32.614 Business license.

A permittee shall obtain a valid business license issued pursuant to Chapter 64-14 of this code before renting or offering to rent a short-term rental.

(Ord. 2020-12 § II, 6-2-20)

88-32.616 Transient occupancy registration certificate.

A permittee shall obtain a valid transient occupancy registration certificate issued pursuant to Chapter 64-4 of this code before renting or offering to rent a short-term rental.

(Ord. 2020-12 § II, 6-2-20)

88-32.618 Rental records.

(a) A permittee shall keep written rental records that document the following information:

(1) All dates on which the permittee rented the short-term rental to one or more guests;

(2) The overnight guest occupancy on each date; and

(3) The rent paid to permittee for each night of lodging.

(b) A permittee shall maintain the required rental records for at least three years.

(c) A permittee shall provide a copy of the required rental records to the department with any application to renew the short-term rental permit.

(d) A permittee operating a short-term rental under a discretionary short-term rental permit shall provide a copy of the required rental records to the department annually. The records must be provided to the department on each anniversary of the discretionary short-term rental permit approval date.

(Ord. 2020-12 § II, 6-2-20)

Article 88-32.8 Enforcement

88-32.802 All remedies.

The county may seek compliance with this chapter by any remedy allowed under this code, including, but not limited to, revocation, administrative fines, infraction citations, and any other remedy allowed by law.

(Ord. 2020-12 § II, 6-2-20)

Chapter 88-34 INDUSTRIAL HEMP CULTIVATION

Article 88-34.2 General

88-34.202 Purpose.

The purpose of this chapter is to regulate industrial hemp cultivation by requiring all persons engaged in industrial hemp cultivation to obtain a land use permit from the department of conservation and development. The requirements of this chapter are in addition to all other applicable requirements of this code and all applicable state and federal laws and regulations.

(Ord. 2021-21 § II, 7-27-21)

88-34.204 Definitions.

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

(a) "Cultivation" means any activity involving the propagation, planting, growing, breeding, harvesting, drying, curing, grading, trimming, or other development of industrial hemp plants or propagative plant material, and includes cultivation for research purposes.

(b) "Cultivation area" means the area on a lot where industrial hemp is propagated, planted, grown, bred, harvested, dried, cured, graded, trimmed, or developed.

(c) "Department" means the Contra Costa County Department of Conservation and Development.

(d) "Greenhouse" means a structure that is used for the indoor propagation of plants; has permanent structural elements, such as footings or foundations; is constructed with a translucent roof or walls; and is served by utilities such as electrical, natural gas, or plumbing. The term "greenhouse" includes structures commonly known as "hothouses."

(e) "Hoop structure" means a structure consisting of a lightweight metal, plastic, or wooden frame, or a series of hoops, that is covered by an impermeable, removable layer of plastic or polyethylene film used to protect plants grown in the soil or in containers upon the soil. A hoop structure has no permanent structural elements, such as footings, foundations, plumbing, or electrical wiring. The term "hoop structure" includes structures commonly known as "berry hoops" or "hoop houses."

(f) "Indoor cultivation" means the cultivation of industrial hemp within a permanent building using exclusively artificial light or within a greenhouse. "Indoor cultivation" does not include cultivation of industrial hemp within a hoop structure.

(g) "Industrial hemp" or "hemp" has the meaning set forth in Food and Agricultural Code Section 81000.

(h) "Outdoor cultivation" means any cultivation of industrial hemp that is not indoor cultivation. "Outdoor cultivation" includes the cultivation of industrial hemp within a hoop structure.

(Ord. 2021-21 § II, 7-27-21)

Article 88-34.4 Permits

88-34.402 Land use permit—Required.

No person may cultivate industrial hemp in the unincorporated area of the county without first obtaining a land use permit as provided in this chapter.

(Ord. 2021-21 § II, 7-27-21)

88-34.404 Permit term.

(a) A permit issued under this chapter has an initial term of five years.

(b) A permit may be renewed following the initial five-year term, as set forth in Section 88-34.412. The term of a renewed permit lasts until the permit is revoked pursuant to Section 88-34.606.

(Ord. 2021-21 § II, 7-27-21)

88-34.406 Application.

An application for a permit authorizing industrial hemp cultivation must be on a form approved by the director and contain all of the following information:

(a) Proof of ownership of the property where the cultivation will be located. If the applicant is not the owner of the property where the cultivation will be located, the applicant must provide a notarized, written authorization from each owner of the property that is the subject of the application consenting to the application and the proposed industrial hemp cultivation on the subject property.

(b) The address and assessor's parcel number of the property where the cultivation will be located.

(c) A site plan identifying the location, dimensions, and boundaries of all proposed cultivation areas, taking into account space needed for ongoing care of plants, and a description of the proposed method of physically delineating those boundaries at the site.

(d) An operating plan that includes all of the following information:

(1) An odor control plan that describes how the applicant will manage odors to minimize impacts to neighboring parcels.

(2) A security plan that establishes how the site proposed for cultivation will be secured to prevent theft and trespass.

(3) Details regarding how industrial hemp will be received, stored, handled, cultivated, harvested, transported, and secured to prevent theft and trespass.

(Ord. 2021-21 § II, 7-27-21)

88-34.408 Standards applicable to industrial hemp cultivation.

(a) County agricultural commissioner permit required.

(1) Industrial hemp may not be cultivated under a permit issued under this chapter unless and until the permittee possesses a valid permit issued by the county agricultural commissioner pursuant to Chapter 512-4.

(2) Before cultivation, a permittee shall provide the department a copy of the permit issued by the county agricultural commissioner. A permittee shall provide the department a copy of each renewed agricultural commissioner permit within thirty days after that permit is renewed.

(3) All requirements of a permit issued under Chapter 512-4, including requirements for cultivation, sampling, laboratory testing, harvesting, and crop destruction, are incorporated as requirements of a permit issued under this chapter.

(b) Location requirements.

(1) Industrial hemp may be cultivated on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80) located within the boundaries of any of the following:

(A) The East Contra Costa Irrigation District.

(B) The Byron-Bethany Irrigation District.

(C) The East Contra Costa County Groundwater Subbasin.

(2) Notwithstanding anything to the contrary in this chapter or elsewhere in this code, industrial hemp may not be cultivated outdoors at any property within the urban limit line established pursuant to Chapter 82-1 of this code or within one mile beyond the urban limit line.

(c) Minimum lot size for outdoor cultivation. The minimum lot size on which to cultivate industrial hemp outdoors is five acres. Lots that are adjacent and under common ownership or control, with an aggregate size of five acres or larger, satisfy the acreage requirement of this subsection.

(d) Setback requirements.

(1) For indoor cultivation, a structure in which industrial hemp is cultivated must comply with all requirements relating to yards (front setbacks, side, and rear) that generally apply to structures in the zoning district in which the property is located.

(2) For outdoor cultivation, the cultivation area is subject to the following setback requirements:

(A) Except as provided in subsection (B), the cultivation area shall be set back a minimum of twenty-five (25) feet from any boundary line, except that no setback is required from a boundary line that abuts a property that is owned, managed, or otherwise under the control of the permittee.

(B) The cultivation area shall be set back a minimum of two hundred fifty (250) feet from any boundary line that abuts a residential land use district.

(e) Generators. Use of onsite generators is prohibited, except as a source of energy in an emergency.

(f) Lighting. All industrial hemp cultivation lighting shall be fully shielded, downward casting, and not spill over onto structures, other properties, or the night sky. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

(g) Odor. If indoor cultivation occurs on a property that is within the urban limit line established pursuant to Chapter 82-1 of this code or within one mile beyond the urban limit line, then the indoor cultivation shall be conducted in a manner that prevents odors from being detected offsite.

(h) Compliance review. The Department may perform a compliance review at any time during the term of a permit to determine whether a permittee is complying with the permit's terms and conditions, the requirements of this chapter, and all applicable laws and regulations. A permittee shall cooperate with the Department to complete the compliance review and must pay all applicable compliance review fees.

(i) CEQA Compliance. The issuance of a permit under this chapter is a discretionary activity that is subject to environmental review under the California Environmental Quality Act (CEQA). A permit will not be issued under this chapter unless and until the county has completed all applicable CEQA environmental review. An applicant shall pay all costs that the county incurs to satisfy the requirements of CEQA. A permit issued under this chapter shall include appropriate measures to mitigate the impacts of industrial hemp cultivation, as determined by the county during CEQA environmental review.

(j) Indemnity. As a condition of issuance of a permit under this chapter, an applicant shall be required to enter into an indemnification agreement with the county that requires the applicant to indemnify, defend (with counsel reasonably acceptable to the county), and hold harmless the county, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a land use permit, the county's discretionary approvals for the land use permit, the county's actions pursuant to CEQA and planning and zoning laws, and the cultivation of industrial hemp, regardless of when those liabilities accrue.

(k) Notifications. A permittee shall provide written notice to the department within five days after receiving any of the following from the secretary of food and agriculture or the county agricultural commissioner: a notice of violation, a corrective action plan, a determination that the permittee is ineligible to participate in the state's industrial hemp program, or any other writing informing the permittee of any disciplinary action proposed to be taken or actually taken against the permittee.

(Ord. 2021-21 § II, 7-27-21)

88-34.410 Permit conditions and issuance.

(a) The county may include, in a permit issued under this chapter, reasonable conditions of approval related to the impacts of the industrial hemp cultivation.

(b) All of the findings in Section 26-2.2008 and all of the following findings must be made before a permit is issued under this chapter:

(1) The application for industrial hemp cultivation has been reviewed pursuant to all appropriate environmental laws and regulations, including the California Environmental Quality Act (CEQA).

(2) All mitigation measures identified by the county during CEQA environmental review are included as permit terms.

(3) A finding that the permit includes conditions to avoid adverse impacts to surrounding communities, neighborhoods, and neighboring parcels.

(4) The applicant has entered into an indemnity agreement that meets the requirements of Section 88-34.408(i).

(5) The applicant has paid all applicable fees and costs charged by the county and made all deposits required by the county, including, but not limited to, the application fee, all fees and costs required to complete CEQA environmental review, and all compliance review fees and deposits. The permit will require payment of all fees for compliance reviews and inspections of the operation.

(Ord. 2021-21 § II, 7-27-21)

88-34.412 Permit renewal.

(a) Eligibility for renewal. A permit issued under this chapter may be renewed following an initial five-year term only if all of the following requirements are met as of the date the renewal application is made:

(1) The permittee is in compliance with all of the terms of the permit being renewed, and there are no grounds to suspend or revoke the permit under this chapter or under Article 26-2.20.

(2) Industrial hemp cultivation is authorized by this code as of the date the renewal request is made.

(b) Timing of application. A permit renewal application must be submitted to the department at least one hundred eighty days before the permit's current term expires.

(c) Required submittals. A permit renewal application must be made on forms provided by the department. A permit renewal application must be submitted with all of the following:

(1) A copy of the permit being renewed.

(2) A copy of the current or most-recent agricultural commissioner permit for the industrial hemp cultivation that is authorized under the permit being renewed.

(3) A copy of the original permit application.

(4) Any change to the information provided to the department in the original permit application or in subsequent submittals.

(5) A copy of any environmental document that was certified or adopted for the permit.

(d) Approval of renewal application.

(1) A permit renewal application will be considered under the administrative procedure specified in Article 26-2.21.

(2) A permit renewal application will be approved by the zoning administrator if the zoning administrator determines all of the following:

(A) The permit renewal request and all required submittals were timely received.

(B) The permit is eligible for renewal under this section.

(C) The applicant has paid all applicable fees required by the county, and has made all deposits required by the county, including, but not limited to, a renewal application fee and a condition compliance fee deposit.

(Ord. 2021-21 § II, 7-27-21)

Article 88-34.6 Enforcement

88-34.602 Enforcement.

The county may enforce this chapter by any remedy allowed under this code and any other remedy allowed by law.

(Ord. 2021-21 § II, 7-27-21)

88-34.604 Modification, suspension, and revocation.

A permit issued under this chapter may be modified, suspended, or revoked in the same manner as other conditional use permits under Article 26-2.20. ;hn0; (Ord. 2021-21 § II, 7-27-21)

88-34.606 Grounds for suspension or revocation.

In addition to the grounds for permit suspension or revocation set forth in Article 26-2.20, a permit issued under this chapter may be suspended or revoked on any of the following grounds:

(a) A permittee has not complied with one or more of the conditions of the permit issued under this chapter.

(b) A permit was issued under this chapter based on any false material information, written or oral, given by the permittee.

(c) A permittee has not complied with the requirements of this chapter, any other applicable requirements of this code, or any requirements of state or federal laws or regulations.

(d) A permittee's permit issued by the agricultural commissioner under Chapter 512-4 has been suspended or revoked.

(e) A permittee has not been issued a permit by the agricultural commissioner under Chapter 512-4 in the preceding five-year period.

(f) A permittee is ineligible to participate in the state's industrial hemp program pursuant to Division 24 of the Food and Agricultural Code.

(g) A permittee fails to pay any fee, or make any deposit, required by the county as a condition of permit issuance, including, but not limited to, all condition compliance fees and deposits required by the county.

(Ord. 2021-21 § II, 7-27-21)

Chapter 88-36 TWO-UNIT RESIDENTIAL DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES

88-36.002 Purposes.

The purposes of this chapter are to authorize and regulate the development of up to two residential units on a qualifying lot located in a single-family residential zones; to establish a procedure for reviewing and approving the developments to ensure and maintain healthy and safe residential living environments; to establish location and development standards for the developments; and to comply with Government Code Sections 65852.21 and 66411.7, which require local agencies to consider applications for two-unit residential developments ministerially without discretionary review or public hearing.

(Ord. No. 2022-14, § II, 3-29-22)

88-36.004 Definitions.

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

(a) "Accessory dwelling unit" has the meaning set forth in Government Code Section 65852.2.

(b) "Junior accessory dwelling unit" has the meaning set forth in Government Code Section 65852.22.

(c) "Residential unit" means a single-family dwelling, but does not include an accessory dwelling unit or junior accessory dwelling unit.

(d) "Urban housing development" means any of the following:

(1) A housing development containing no more than two residential units on a lot within a single-family residential zoning district or within a planned unit (P-1) district for single-family residential units that meets all of the requirements set forth in Government Code Section 65852.21.

(2) Any development on a lot created by an urban lot split.

(e) "Urban lot split" means a subdivision of an existing lot within a single-family residential zoning district into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7 and Article 94-4.410 of this code.

(Ord. No. 2022-14, § II, 3-29-22)

88-36.006 Permitting procedure.

(a) Except as otherwise provided in this section, an application for a permit to establish an urban housing development will be approved ministerially without discretionary review or public hearing if the development meets: the location requirements specified in Section 88-36.010; the development standards specified in Section 88-36.012; all applicable building standards in Title 7; and all applicable sewage and water requirements.

(b) Notwithstanding subsection (a), the Department of Conservation and Development may deny an application for a permit to establish an urban housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(Ord. No. 2022-14, § II, 3-29-22)

88-36.008 Applications.

(a) An application for an urban housing development permit must be submitted to the Department of Conservation and Development before a building permit application is submitted to the county.

(b) An application for an urban housing development permit must be made in writing and contain the following information:

(1) Name(s) and address(es) of applicant(s) and property owner(s).

(2) Address and assessor's parcel number for the lot.

(3) Whether the lot was created by an urban lot split.

(4) Size, indicating dimensions and square footage, of the existing and proposed dwelling units.

(5) A legible scale drawing, showing:

(A) A north arrow to indicate lot orientation.

(B) Lot dimensions and labels for all property lines.

(C) Siting and location of the existing and proposed dwelling units.

(D) Floor plan configuration of the existing and proposed dwelling units.

(E) All other existing improvements, including driveways and parking areas.

(F) Exterior design of the existing and proposed residential units. "Exterior design" includes exterior features, such as entrances, windows, and roof.

(6) Color photographs of the existing dwelling units and surrounding properties taken from each of the property lines of the project site.

(7) Location and description of water and sanitary services for the existing and proposed dwelling units.

(8) A preliminary drainage plan.

(9) Property owner's consent to physical inspection of the premises.

(10) A written legal description of the property.

(Ord. No. 2022-14, § II, 3-29-22)

88-36.010 Location.

An urban housing development may be established on any lot that meets all of the following requirements:

(a) The lot is located in a single-family residential zoning district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100) or in a planned unit (P-1) district for single-family residential uses.

(b) The lot is located within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(c) The lot meets the requirements of Government Codes Section 65913.4(a)(6)(B)-(K).

(d) The lot is not located within a historic district or property included on the State Historic Resources Inventory, as defined by Public Resources Code Section 5020.1, or in the County Historic Resources Inventory, as designated by the Board of Supervisors.

(Ord. No. 2022-14, § II, 3-29-22)

88-36.012 Development standards.

(a) Uses Allowed. Only residential uses and structures ancillary to residential uses are allowed in an urban housing development.

(b) Residential Units. An urban housing development may not include more than two residential units.

(c) Lot Size. The minimum size of a lot with an urban housing development is the 1,200 square feet. Section 82-10.002(c) does not apply to an application for an urban housing development permit.

(d) Lot Coverage.

(1) Except as otherwise provided in this subsection (d), the structures included in an urban housing development may not cover more than:

(A) 67 percent of the lot area on a lot of less than 3,000 square feet.

(B) 50 percent of the lot area on a lot of 3,000 square feet or more but less than 6,000 square feet.

(C) 40 percent of the lot area on a lot of 6,000 square feet or more but less than 12,000 square feet.

(D) 30 percent of the lot area on a lot of 12,000 square feet or more.

(2) The lot coverage limitations of this subsection may be exceeded to allow construction of one new residential unit on a lot with an existing residential unit, if the new residential unit does not exceed:

(A) 800 square feet in size on a lot of less than 6,000 square feet.

(B) 1,000 square feet in size on a lot of 6,000 square feet or more but less than 12,000 square feet.

(C) 1,200 square feet in size on a lot of 12,000 square feet or more.

(e) Yards and Building Height.

(1) Residential units included in an urban housing development must comply with all requirements relating to yards (front setbacks, side, and rear) and building height that are generally applicable to residential construction in the zone in which the lot is located, except as otherwise provided in this subsection (e).

(2) A setback is not required for an existing residential unit or a residential unit constructed in the same location and to the same dimensions as an existing building.

(3) A setback of four feet from the side and rear lot lines is required for a residential unit that is not an existing residential unit or is not constructed in the same location and to the same dimensions as an existing building.

(4) A residential unit or any portion of a residential unit that is located within a front, back, or side yard area applicable to residential construction in the zone in which the lot is located may not exceed 16 feet in height.

(f) Off-Street Parking.

(1) A lot containing an urban housing development must provide at least one off-street parking space per residential unit, except as otherwise provided in this subsection (f).

(2) No off-street parking is required for an urban housing development in any of the following instances:

(A) The urban housing development is located within one-half mile walking distance of a major transit stop, as defined in Public Resources Code Section 21064.3.

(B) The urban housing development is located within one-half mile walking distance of a high-quality transit corridor, as defined in Public Resources Code Section 21155(b).

(C) A car share vehicle pick-up location is within one block of the urban housing development. A "car share vehicle" has the same meaning as in Vehicle Code Section 22507.1.

(g) Accessory Dwelling Units.

(1) An urban housing development may include an accessory dwelling unit or junior accessory dwelling unit in accordance with Chapter 82-24.

(2) Notwithstanding subsection (1), an urban housing development that includes two residential units on a lot created by an urban lot split may not include an accessory dwelling unit or junior accessory dwelling unit.

(h) Modifications to Certain Housing Prohibited. An urban housing development may not require demolition or alteration of any of the following types of housing:

(1) A residential unit that is a deed-restricted below-market-rate residential unit.

(2) A residential unit that is subject to any form of rent or price control.

(3) A residential unit that has been occupied by a tenant in the last three years.

(i) Drainage. A lot containing an urban housing development must collect and convey all stormwater entering or originating on the lot, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. All storm drainage facilities must be designed and constructed in compliance with this code and Public Works Department design standards.

(j) Stormwater Management. An urban housing development must comply with all applicable rules, regulations, and standards of the County's National Pollutant Discharge Elimination System (NPDES) permit as required by Division 1014.

(Ord. No. 2022-14, § II, 3-29-22)

88-36.014 Occupancy.

No residential unit that is part of an urban housing development may be rented or offered for rent for a term of less than 30 days.

(Ord. No. 2022-14, § II, 3-29-22)

88-36.016 Fees.

The fees for an urban housing development permit will be in amounts established by the Board of Supervisors in the Department of Conservation and Development's fee schedule. Urban housing developments are subject to all applicable fees for new development.

(Ord. No. 2022-14, § II, 3-29-22)

Division 810 AGRICULTURAL LAND CONSERVATION

Chapter 810-2 AGRICULTURAL PRESERVES

Article 810-2.2. Establishment

810-2.202 Establishment—By board of supervisors.

The board of supervisors may by resolution designate suitable areas of the county as agricultural preserves pursuant to the California Land Conservation Act (Government Code Section 51200, ff. as amended) to be devoted to agricultural and compatible uses.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

Article 810-2.4. Standards

810-2.402 Standards—Compliance required.

Agricultural preserves shall comply with the following uniform standards as set forth in Sections 810-2.404 through 810-2.414.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-2.404 Standards—Minimum acreage.

Except as provided in subdivisions (a) and (b), no agricultural preserve shall be established having less than one hundred contiguous acres.

(a) Agricultural preserves of less than one hundred contiguous acres may be established if the Board finds that an agricultural preserve of less than one hundred acres is necessary due to the unique characteristics of the agricultural enterprise in that area and that the establishment of preserves of less than one hundred acres is consistent with the General Plan.

(b) Agricultural Preserves of thirty-five contiguous acres may be established in the areas of the East Contra Costa and Byron-Bethany Irrigation Districts, as previously established by the Board of Supervisors

(Gov. Code, § 51230, Ords 2003-12 § 4, 72-58 § 1, 69-76 § 1 (part), 69-49 § 1 (part), 68-53.)

810-2.406 Standards—Minimum parcel.

No parcel of land of less than forty acres of non-prime agricultural land, or less than ten acres of prime agricultural land, shall be included in an agricultural preserve.

(Gov. Code, § 51222; Ords. 2003-12 § 5, 69-76 § 1 (part) 69-49 § 1 (part)).

810-2.407 Standards—Prime agricultural land defined.

As used in this title, prime agricultural land means any of the following:

(a) all land that qualifies for rating as class I or II in the Natural Resource Conservation Service land use capability classifications;

(b) all land that qualifies for rating eighty through one hundred in the Stone Index Rating;

(c) land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture;

(d) land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural production not less than two hundred dollars per acre; and,

(e) land which has returned from the production of unprocessed agricultural plant products an annual gross of not less than two hundred dollars ($200) per acre for three of the previous five years.

(Gov. Code, § 51201(c); Ords. 2003-12 § 6).

810-2.408 Standards—Parcel defined.

"Parcel" as used in this title means a contiguous area of land under common fee ownership.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-2.410 Standards—Land subject to agreement.

All land in a preserve must also be subject to a land conservation contract or agreement.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-2.412 Standards—Land within one mile of city.

Land within one mile of any city may be included in an agricultural preserve and placed under contract, but not if the city files with the local agency formation commission a resolution of protest which the commission upholds in the manner provided by Government Code Section 51243.5.

(Ord. 73-93 § 1, 1973: Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-2.414 Standards—Land use restriction.

Agricultural preserves shall include only land primarily used for commercial agricultural production.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

Chapter 810-4 LAND CONSERVATION CONTRACTS

Article 810-4.2. Establishment

810-4.202 Establishment—Generally.

Upon authorization by board resolution, its chairman may execute for the county, land conservation contracts with the owners of land located within agricultural preserves, pursuant to the California Land Conservation Act.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-4.204 Establishment—Standard form.

The board, by resolution, shall promulgate a standard form of land conservation contract, which may include provisions additional to, but not conflicting with those in this chapter.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-4.402 Standards—Compliance required.

Land conservation contracts shall comply with the following uniform standards as set forth in Sections 810-4.404 through 810-4.412.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-4.404 Standards—Term.

Contracts shall be for a term of ten years renewable annually in the manner provided in Government Code Section 51244.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-4.406 Standards—Land use restriction.

Contracts shall include landowner promises to restrict the use of the land to those commercial agricultural and compatible uses allowable in an agricultural preserve district (as set forth in Chapter 84-42).

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-4.408 Standards—Noncompliance.

Contracts shall provide that, if the landowner fails to comply with the agreement's terms and conditions so as to render the land or a portion thereof unfit for further agricultural use, the owner shall pay, as liquidated damages to the county, a sum equal to the equalized assessed value of the property as established by the county assessor on the lien date next following the date of breach. This provision shall not be deemed a waiver of other legal or equitable remedies for enforcement of the terms of the contract.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-4.410 Standards—Cancellation.

Contracts shall provide that they may be cancelled only by mutual agreement of the owner and county pursuant to the provisions of Government Code Sections 51282, 51283(a) and (b), and 51283.3, provided, however, that under no circumstances shall the payment of a cancellation fee provided for therein be waived, deferred, or made subject to any contingency whatever.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-4.412 Standards—Division of property into two or more parcels.

Contracts shall provide that division of property subject to agreement into two or more parcels may be construed by the county as a notice of nonrenewal by the property owner upon a finding by the board of supervisors that the effect of the division is detrimental to the ultimate preservation of the property for exclusive agricultural use.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

810-4.602 Application—Submission regulations.

The board, by resolution, shall promulgate rules and procedures for submitting applications for land conservation contracts and for review of the applications by appropriate county agencies.

(Ord. 69-76 § 1 (part), 1969: Ord. 69-49 § 1 (part), 1969).

Division 812 SCHOOL FACILITY DEDICATIONS

Chapter 812-2 GENERAL PROVISIONS

812-2.202 Title and purpose.

This division shall be known as the "School Facilities Dedication Ordinance of Contra Costa County." The purpose of this division is to provide a method for financing interim school facilities necessitated by new residential developments causing conditions of overcrowding.

(Ord. 78-10).

812-2.204 Authority and conflict.

This division is enacted pursuant to Chapter 4.7 (Government Code §§ 65970 ff) and constitutes the ordinance referred to in Sections 65972 and 65974 of Chapter 4.7. In the case of any conflict between the provisions of this division and those of Chapter 4.7, the latter shall prevail.

(Ord. 78-10).

812-2.206 General plan.

The county's general plan provides for the location of public schools. Interim school facilities to be constructed from fees or land required to be dedicated, or both, shall be consistent with the general plan.

(Ord. 78-10).

812-2.208 Regulations.

The board may from time to time, by resolution, issue regulations to establish administration, procedures, interpretation and policy direction for this division.

(Ord. 78-10).

Chapter 812-4 DEFINITIONS

812-4.202 Generally.

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this chapter for the purposes of this division.

(Ord. 78-10).

812-4.204 Chapter 4.7.

"Chapter 4.7" means Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7 of the Government Code as added by Chapter 955 of the Statutes of 1977 and any subsequent amendments thereto.

(Ord. 78-10).

812-4.206 Conditions of overcrowding.

"Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district.

(Ord. 78-10).

812-4.208 Dwelling unit.

"Dwelling unit" means a building or a portion thereof, or a mobile home, designed for residential occupancy by one person or a group of two or more persons living together as a domestic unit.

(Ord. 78-10).

812-4.210 Reasonable methods for mitigating conditions of overcrowding.

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

(Ord. 78-10).

812-4.212 Other methods for mitigating conditions of overcrowding.

"Other methods for mitigating conditions of overcrowding" may include, but is not limited to the following:

(1) The use of available annual revenue limit and bond revenues;

(2) The use of funds which could be available from the sale of surplus school district real property and funds available from any other sources.

(Ord. 78-10).

812-4.214 Residential development.

"Residential development" means a project containing residential dwellings, including mobile homes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units. "Residential development" includes, but is not limited to, a preliminary or final development plan, a subdivision tentative or final map, a parcel map, conditional use permit, a building permit, and any other discretionary permit for new residential use.

(Ord. 78-10).

Chapter 812-6 OVERCROWDED ATTENDANCE AREAS

812-6.202 Findings and notice.

Pursuant to Chapter 4.7, the governing body of a school district may make findings supported by clear and convincing evidence that:

(1) Conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs including the reason for such conditions existing;

(2) All reasonable methods of mitigating conditions of overcrowding have been evaluated; and

(3) No feasible method for reducing such conditions exist. Upon making these findings the school district must provide the county with notice of its findings.

(Ord. 78-10).

812-6.204 Notice of findings requirements.

Any notice of findings sent by a school district to the county shall specify:

(1) The findings listed in Section 812-6.202;

(2) The mitigation measures and methods, including those listed in Sections 812-4.210 and 812-4.212, considered by the school district and any determination made concerning them by the district;

(3) A description of the geographic boundaries of the overcrowded attendance area or areas;

(4) Estimated annual school district costs to provide interim school facilities in the overcrowded attendance area or areas; and

(5) Such other information as may be required by board regulation.

(Ords. 79-68 § 1, 78-10).

812-6.206 County concurrence.

After the receipt of any notice of findings complying with the requirement of Section 812-6.204, the board shall determine whether it concurs in such school district findings. The board shall schedule and hold a public hearing on the matter of its proposed concurrence prior to making its determination by resolution.

(Ord. 78-10).

812-6.208 Findings for development approval.

Within an attendance area where the board has concurred in a school district's notice of findings that conditions of overcrowding exist, the county's planning agency shall not approve an ordinance rezoning property to a residential use, grant a discretionary permit for residential use, or approve a tentative subdivision map for residential purposes, within such area, unless the planning agency makes one of the following findings:

(1) That this division is an ordinance adopted pursuant to Section 65974 of Chapter 4.7;

(2) That there are specific overriding fiscal, economic, social, or environmental factors which in the judgment of the planning agency would benefit the county, thereby justifying the approval of a residential development otherwise subject to the interim school facilities dedication provisions of this division.

(Ord. 78-10).

812-6.210 School district schedule.

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

(Ord. 78-10).

Chapter 812-8 REQUIREMENTS

812-8.202 Residential development.

In an attendance area where the board has concurred as provided in Chapter 812-6, the owner of a proposed residential development as a condition of approval or the obtaining of a building permit shall dedicate land, pay fees in lieu thereof, or do a combination of both, for classroom and related facilities for elementary and/or high schools including all mandated educational programs.

(Ord. 78-10).

812-8.204 Subdivision fee limit.

Only the payment of fees is required for the approval of a subdivision map containing fifty parcels or less.

(Ord. 78-10).

812-8.206 Exemptions.

Residential developments shall be exempt from the requirements of this division when they consist only of the following:

(1) Any modification or remodel of an existing legally established dwelling unit that does not create an additional dwelling unit;

(2) A condominium project converting an existing apartment building into a condominium where no new dwelling units are added;

(3) Any rebuilding of a legally established dwelling unit destroyed or damaged by fire, explosion, act of God or other accident or catastrophe;

(4) Any rebuilding of an historical building recognized, acknowledged and designated as such by the planning agency.

(Ord. 78-10).

812-8.208 Prior agreements.

Any agreement existing prior to March 3, 1978, between a school district and a developer pertaining to the dedication of land and/or payment of fees for school facilities shall be recognized by the planning agency and shall be considered by it as satisfying this division's requirements.

(Ord. 78-10).

Chapter 812-10 STANDARDS FOR LAND AND FEES

812-10.202 General standard.

The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the community for interim elementary and/or high school facilities including all mandated educational programs and shall be reasonably related and limited to the need for schools caused by the development.

(Ord. 78-10).

812-10.204 Amount of land.

The total land area required by this division to be dedicated shall be at least equal in monetary value to the fees which would otherwise be required by Section 812-10.206. The planning agency shall determine and establish the monetary value of the land area for the purposes of this division.

(Ord. 78-10).

812-10.206 Amount of fee.

(a) Resolution. When fees are required by this division to be paid in lieu of land dedication or as a combination of both, such fees shall be, and paid, as set by board resolution adopted after recommendation by the director of planning.

(b) Bedroom and Dwelling. The resolution shall fix a per bedroom fee and a total maximum dwelling unit fee. Any room designed for sleeping which has a closet is a bedroom for the purposes of this division.

(c) Mobile Home Parks. The resolution shall fix a fee for each dwelling unit space or lot in a mobile home park.

(d) Costs. Among the factors to be considered when establishing fees by resolution are: any school district notice of findings, cost estimates, the costs of local leasing of portable facilities, construction of interim school facilities, and air conditioning.

(Ords. 79-68 § 2, 78-10).

Chapter 812-12 PROCEDURES

812-12.202 Application filing.

At the time of filing an application for the issuance of a building permit or for the approval of a proposed residential development (rezoning, tentative subdivision map or discretionary permit) located in an attendance area where the board has concurred as provided in Chapter 812-6, the applicant shall, as part of such filing, indicate whether the applicant~~he~~ prefers to dedicate land for interim school facilities or to pay a fee in lieu thereof, or do a combination of these. If the applicant prefers to dedicate land, the applicant~~he~~ shall suggest the specific land.

(Ord. 78-10).

812-12.204 Decision factors.

At the time of initial residential development or building permit approval, the planning agency shall determine whether to require a dedication of land within the development, payment of a fee in lieu thereof, or a combination of both. In making this determination, the agency shall consider the following factors:

(1) Whether lands offered for dedication will be consistent with the general plan;

(2) The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;

(3) Whether the location and amount of lands proposed to be dedicated or the amount of fees to be paid, or both, will bear a reasonable relationship and will be limited to the needs of the community for interim elementary and/or high school facilities including all mandated educational programs and will be reasonably related and limited to the need for schools caused by the development;

(4) Any recommendations made by affected school districts concerning the location and amount of lands to be dedicated;

(5) If only a subdivision is proposed, whether it will contain fifty parcels or less.

(Ord. 78-10).

812-12.206 Land dedication.

When land is to be dedicated, it shall be offered for dedication in substantially the same manner as prescribed in the county's subdivision ordinance for streets and public easements.

(Ord. 78-10).

812-12.208 Fee payment.

If the payment of a fee is required, such payment shall be made at the time the building permit is approved and issued.

(Ord. 78-10).

812-12.210 Trust land and fees.

Land and fees shall be held in trust by the county until transferred to the school district operating schools in the attendance area from which the land or fees were collected.

(Ord. 78-10).

812-12.212 County refunds.

(a) If a final subdivision map, a parcel map, conditional use permit, development plan, or building permit is vacated or voided and if the county still retains the land and/or fees collected for it, and if the applicant so requests, the board shall order return to the applicant~~him~~ of such land and/or fees.

(b) If a final subdivision map, a parcel map, conditional use permit, development plan, or building permit is cancelled or voided, and if the affected school district still retains the land and/or fees transferred to it by the county, and if the applicant so requests, the school district shall return to the applicant~~him~~ such land and/or fees.

(Ord. 78-10).

812-12.214 School facilities and developer requirements.

When a school district is levying a fee, charge, dedication, or other form of requirement against a development project within its boundaries pursuant to Section 53080 and Chapter 4.9 (Section 65995 ff) of the Government Code and has notified the county's building inspector of the levy, that school district's levy shall satisfy any requirements of this chapter upon the building inspector's receipt of appropriate certification from the district of compliance by the involved development project with its levy; provided, that if a school district's certificate of compliance notifies the county's building inspector that its levy for a development project is less than any fee established pursuant to this chapter for the project's attendance area, the building inspector shall credit the school levy against this chapter's required fee prior to its collection.

(Ord. 86-99).

Chapter 812-14 USE AND LIMITS

812-14.202 Use of land and fees.

All land or fees, or both, collected pursuant to this division and transferred to a school district shall be used only for the purpose of providing interim elementary or high school classroom and related facilities, including all mandated educational programs.

(Ord. 78-10).

812-14.204 Agreement for fee distribution.

Where two separate school districts operate schools in an attendance area where the board concurs that overcrowding conditions exist for both school districts, the board will enter into an agreement with the governing body of each school district for the purpose of determining the distribution of revenues from the fees levied pursuant to this division.

(Ord. 78-10).

812-14.206 Fee fund and land records and reports.

Any school district receiving funds or land pursuant to this division shall maintain a separate account for any fees paid and disposition of land received and shall file a report with the board on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased, or constructed during the previous fiscal year. In addition, the report shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed by August 1st of each year and shall be filed more frequently at the request of the board.

(Ord. 78-10).

812-14.208 Termination of dedication requirements.

When it is determined that overcrowding conditions no longer exist in an attendance area, the county shall cease levying any fee or requiring the dedication of any land pursuant to this division for the area.

(Ord. 78-10).

Division 814 SLOPE AND HILLSIDE DEVELOPMENT

Chapter 814-2 SD-1 SLOPE DENSITY AND HILLSIDE DEVELOPMENT COMBINING DISTRICT

Article 814-2.2. General

814-2.202 SD-1 Combining district.

All land within a land use district combined with an SDHD-l slope density and hillside development combining district shall be subject to the regulations in this chapter.

(Ord. 79-8).

814-2.204 Findings.

The board finds and declares that:

(1) The terrain of certain areas of the county provides a unique and substantial character to the area, and forms an integral part of the county's total environment;

(2) Due to their physical prominence in the county's landscape, development of hillside areas affects the visual and environmental character of the county;

(3) Hillside development should preserve the natural terrain, environmental quality and aesthetic character of the county, while providing creative, innovative and safe residential development with a variety of housing types; and

(4) Paragraph (3) can be achieved only when special consideration is given to those developments and subdivisions on and near hillsides, and to variations in conditions, design criteria and other requirements which must be flexible in order to achieve hillside development that is consistent with the foregoing findings and the objectives set forth in this article.

(Ord. 79-8).

814-2.206 Objectives.

(a) The justifying objectives of this chapter's regulation of residential slope density and hillside development are to:

(1) Encourage minimal grading which affects the natural contour of the land and which will round off, in a natural manner, sharp angles at the top and ends of cut-and-fill slopes;

(2) Require retention of trees and other vegetation which stabilize steep hillsides, retain moisture, minimize erosion and enhance the natural scenic beauty, and where necessary, require additional landscaping to enhance the scenic and safety qualities of the hillsides;

(3) Require planting wherever appropriate to maintain necessary cut-and-fill slopes, to stabilize them by plant roots, and to conceal the raw soil from view;

(4) Require retention of natural landmarks and prominent natural features that enhance the character of a particular area of the county;

(5) Achieve land use residential densities that are in keeping with the county's general plan, with the result that such densities will usually diminish as the slope of terrain increases, in order to retain the significant natural features of hillside area;

(6) Minimize the water runoff and soil erosion problems incurred in adjustment of hillside terrain to meet on-site and off-site development needs;

(7) Retain open hillsides and significant ridgelines in as near a natural state as is feasible as an important community value;

(8) Encourage the planning, design and development of hillside area building sites so as to provide maximum safety and human enjoyment; and

(9) Provide for the preservation and maintenance of significant ridgelines, open space and recreational lands.

(b) The attractiveness of hillside and ridgeline areas and the other objectives specified in this article are important factors of the general welfare of the citizens of the county, and reasonable control of residential slope density and hillside development is in the public interest.

(Ord. 79-8).

Article 814-2.4. Underlying Land Use District

814-2.402 Application.

The SD-1 district may be combined with, and made applicable to land in, any planned unit district or agricultural district when such land is located in a general plan residential area, or with any single-family or two family residential district.

(Ord. 79-8).

814-2.404 Uses.

The following uses are allowed in the SDHD-l combining district:

(1) Those uses allowed by full compliance with the combined underlying residential, agricultural or planned unit district's regulations; and

(2) A detached single-family dwelling on each legally established lot and the accessory structures and uses normally auxiliary to it (Ord. 79-8).

814-2.406 Priority.

Where there is any conflict between the regulations of this chapter and those of the combined underlying zoning district, the requirements of this chapter shall govern, except that the required minimum lot size shall remain that of the underlying zoning district.

(Ord. 79-8).

Article 814-2.6. Residential Slope Density

814-2.602 Allowed density.

The residential dwelling unit densities in the SD-1 district shall be computed in accordance with the table in Section 814-2.612, depending upon the average slope of the natural terrain proposed for development and the consideration of all other applicable county regulations, and consistent with the general plan.

(Ord. 79-8).

814-2.604 Average slope formula.

The average slope of a parcel of land or portion thereof shall be computed by the formula:

$$AS = \frac{0.00229IL}{A}$$

(Ord. 79-8).

814-2.606 Formula letters.

The letters in the average slope formula have the following meanings:

(1) AS = Average percent slope;

(2) I = Contour interval, in feet;

(3) L = Summation of length of contours, in feet; and

(4) A = Area in acres of the parcel of land being considered.

(Ord. 79-8).

814-2.608 Percent of slope.

For the purposes of the average slope formula, percent of slope is the vertical drop in feet divided by the horizontal distance in feet multiplied by one hundred.

(Ord. 79-8).

814-2.610 Cliffs and ravines excluded.

Any portion of a proposed residential development site with an existing topographical feature, such as a cliff or deep ravine, may be excluded from the determination of allowable density and must be deleted from any lot area contribution if the remaining portion of the parcel meets the requirements of this chapter. Any area so excluded shall also be precluded from any further residential development by scenic easement, deed of development rights, or other appropriate method.

(Ord. 79-8).

814-2.612 Density table.

The allowable density of residential dwelling units per net acre (after subtracting areas required for streets and schools) is shown on this table. The allowable density indicated on this table, however, does not preclude the zoning administrator from determining that a lower density, or larger lots, from that indicated is required in order to meet the findings, objectives and other criteria as established in this chapter.

Zoning Districts	R-6	R-7	R-10 D-1	R-12	R-15	R-20	R-40	R-65	R-100
Average Slope %	Allowable Dwelling Units Per Acre								
15% & Under	7.3	6.2	4.4	2.6	2.9	2.2	1.1	.7	.4
16%	6.4	5.5	4.1	3.4	2.7	2.1	1.0	.6	.4
17%	5.5	4.8	3.8	3.3	2.4	2.0	1.0	.6	.4
18%	4.6	4.1	3.5	3.2	2.1	1.9	.9	.6	.4
19%	3.7	3.4	3.2	3.0	1.8	1.8	.9	.6	.4
20%	2.9	2.9	2.9	2.9	1.7	1.7	.9	.6	.4
21%	2.6	2.6	2.6	2.6	1.6	1.6	.8	.6	.4
22%	2.3	2.3	2.3	2.3	1.5	1.5	.8	.6	.4
23%	2.0	2.0	2.0	2.0	1.4	1.4	.8	.5	.4
24%	1.7	1.7	1.7	1.7	1.3	1.3	.7	.5	.4

25%	1.6	1.6	1.6	1.6	1.2	1.2	.7	.5	.4
26%	1.5	1.5	1.5	1.5	1.1	1.1	.6	.5	.4
27%	1.4	1.4	1.4	1.4	1.0	1.0	.6	.5	.4
28%	1.2	1.2	1.2	1.2	.9	.9	.5	.5	.4
29%	1.1	1.1	1.1	1.1	.8	.8	.5	.5	.4
30%	1.0	1.0	1.0	1.0	.7	.7	.5	.5	.4
31%	.9	.9	.9	.9	.6	.6	.4	.4	.4
32%	.8	.8	.8	.8	.5	.5	.4	.4	.4
33%	.7	.7	.7	.7	.4	.4	.4	.4	.3
34%	.6	.6	.6	.6	.4	.4	.4	.4	.3
35%	.5	.5	.5	.5	.4	.4	.4	.4	.3
36%	.4	.4	.4	.4	.4	.4	.4	.3	.3
37%	.4	.4	.4	.4	.4	.3	.3	.3	.3
38%	.4	.4	.4	.4	.3	.3	.3	.3	.3
39%	.3	.3	.3	.3	.3	.3	.3	.3	.2
40%	.3	.3	.3	.3	.3	.3	.2	.2	.2
Over 40%	.3	.3	.3	.3	.3	.3	.2	.2	.2

(Ord. 79-8).

Article 814-2.8. Development Standards

814-2.802 General.

The development standards in this article are the minimum necessary to insure that this chapter's intent and purpose are accomplished.

(Ord. 79-8).

814-2.804 Design.

Streets, buildings, and other manmade structures shall be designed and located to complement the natural terrain and landscape.

(Ord. 79-8).

814-2.806 Ridge views.

Off- and on-development-site views of significant ridges shall not be substantially impaired. To determine which ridges are subject to this provision, the criteria set forth in the findings and objectives sections of this chapter shall be utilized.

(Ord. 79-8).

814-2.808 Hillside streets.

Hillside street standards shall reflect a rural rather than urban character. Street alignments, where feasible, should be parallel to contours. Where a street location between a valley and ridge is unavoidable, directional pavements should be separated, with the principle of grading being half cut and half fill. Intermittent widening of streets for parking and turnarounds at appropriate places shall be encouraged.

(Ord. 79-8).

814-2.810 Street lighting.

Street lighting provided as part of a development in hillside areas shall be of low profile design, unobtrusive, and design to enhance a rural character of the area.

(Ord. 79-8).

814-2.812 Walkways.

When required, walkways shall be provided in accordance with a complete pedestrian circulation plan, and not rigidly appended into every street.

(Ord. 79-8).

814-2.814 Trails.

Bicycle and equestrian trails, if required, shall be integrated into an overall circulation plan for any development.

(Ord. 79-8).

814-2.816 Parking.

Parking shall be provided off-street, with adequate provision for at least four spaces for each dwelling unit.

(Ord. 79-8).

814-2.818 Improvement exceptions.

If necessary, exceptions to the requirements of Titles 7 and 9 may be allowed in the manner provided therein to meet the standards and to accomplish the findings and objectives of this chapter.

(Ord. 79-8).

Article 814-2.10. Grading

814-2.1002 General restriction.

Any parcel of land subject to this chapter with an average slope of more than twenty-six percent and/or significant ridgelines and hilltops, regardless of their slope, shall not be graded without the specific authorization of the director of planning. Such grading shall only be done after it is shown, to the satisfaction of the director of

planning (or the planning agency when it has jurisdiction), that the proposed grading development will comply with the objectives and regulations of this chapter and will not have a substantial visual impact when viewed from related community areas.

(Ord. 79-8).

814-2.1004 Environmental design.

Grading shall consider the environmental characteristics of that land, including, but not limited to, prominent geological features, existing stream beds and significant tree cover, and shall use the best engineering practices to avoid erosion, slides or flooding, and to have a minimal effect on this environment.

(Ord. 79-8).

814-2.1006 Conditions.

To keep all graded areas and cuts and fills to a minimum, eliminate unsightly grading, preserve and maximize the natural appearance and beauty of the property, and to implement this chapter, the director of planning or the planning agency may impose requirements on the size of the areas to be graded or to be used for building, on the size, height, and angles of cut slopes and fill slopes, and the shape thereof. In appropriate cases, retaining walls may be required.

(Ord. 79-8).

Article 814-2.12. Open Areas

814-2.1202 Provision.

A portion of every proposed residential development located on a parcel of land with an average slope of more than twenty-six percent shall remain in its natural state as an undeveloped open area with no grading, tree or foliage removal, or structure or other development thereon.

(Ord. 79-8).

814-2.1204 Location.

The undeveloped open areas required by this article shall be located primarily on the upper elevations of any particular residential development site, and shall include significant hilltops and ridges and other topographical landmarks, open exposed hillsides, recreational areas, or areas of environmental significance.

(Ord. 79-8).

814-2.1206 Ownership and maintenance.

Areas to remain as undeveloped open areas may be required to be offered for dedication to be part of a public open space or park system. Where such dedication offer is not to be accepted, the developer shall provide, as required, for the ownership, appropriate access, and necessary care and maintenance of the open area.

(Ord. 79-8).

814-2.1402 Requirement.

No development is lawful in an SDHD- 1 district until a development plan for it has been submitted to and approved by the zoning administrator.

(Ord. 79-8).

814-2.1404 Application.

All applications for development plan approval shall include scale drawings indicating the following:

(1) Topography;

(2) A boundary survey of the site;

(3) All existing and proposed structures, the height of each structure, and the number of dwelling units in each structure;

(4) Planting and landscape area;

(5) Automobile parking areas;

(6) Streets, walkways and trails, with grades, widths and type of proposed improvements;

(7) Access points providing ingress and egress for the site;

(8) Existing and proposed utilities;

(9) Recreation facilities, if any;

(10) Surface drainage conditions and outlets;

(11) Building elevations, including architectural type;

(12) Amount of studio, one-bedroom, two-bedroom, or other sized units;

(13) Additional information as may be required by the zoning administrator.

(Ord. 79-8).

814-2.1406 Review, approval, changes, conditions.

(a) Review. The zoning administrator shall review development plan applications, for approval, modification or denial, in public hearing pursuant to and otherwise regulated by the land use permit provisions of Chapter 26-2.

(b) Approval. In approving the application, ~~he~~ the zoning administrator shall find that it is consistent with the purpose of this district and that it is compatible with other uses in the vicinity, both inside and outside the district.

(c) Changes. When any plan has been approved by the zoning administrator, it shall not thereafter be changed except with the zoning administrator's ~~his~~ approval after review, for which the zoning administrator~~he~~ may schedule a public hearing under Chapter 26-2.

(d) Conditions. The zoning administrator may impose reasonable conditions and limitations, in addition to the requirements listed in this article, to carry out the purpose of this district.

(Ord. 79-8).

814-2.1408 Exception.

Where it is established to the satisfaction of the director of planning that a vacant parcel of land is a legal lot and has an average slope not exceeding thirty percent, or any significant ridgelines and hilltops, one detached single-family dwelling may be located on the lot without being subject to the application submittal, development plan review and approval provisions of this article.

(Ord. 79-8).

Article 814-2.16. Variance Permits

814-2.1602 Granting.

Variance permits to modify the provisions contained in Articles 814-2.6 through 814-2.14 may be granted in accordance with Chapters 26-2 and 82-6.

(Ord. 79-8).

814-2.1604 Supplemental information.

For the consideration of any requested permit, the zoning administrator may require, in addition to the information and plans submitted with an application, supplemental plans and information as may be needed to properly review the request. Some examples of supplemental plans and information that may be requested are as follows:

(1) A slope analysis prepared by a licensed architect or engineer based on a drawing having a scale of not less than one inch equals fifty feet and contour intervals not greater than ten feet;

(2) Preliminary soils and geological reconnaissance report;

(3) Preliminary grading plans indicating existing and proposed grades and retaining walls, on a drawing to a scale of not less than one inch equals fifty feet; and

(4) Location of existing trees in excess of six inches in diameter, as measured four feet from the ground. Trees to be removed shall be indicated.

(Ord. 79-8).

Division 816 TREES

Chapter 816-2 —TOV TREE OBSTRUCTION OF VIEWS COMBINING DISTRICT

Article 816-2.2. General

816-2.202 —TOV combining district.

All land within a land use district combined with a —TOV tree obstruction of views combining district shall be subject to the provisions in this chapter.

(Ord. 84-3).

816-2.204 Purpose and intent.

The purpose of this chapter is to provide a method for private property owners to gain restoration of views and sunlight lost due to tree growth by another private property owner as defined in Article 816-2.4. It is not intended by this chapter to create any greater right to a view or access to sunlight than existed at the time any claimant purchased the claimant's~~his~~ property.

(Ord. 84-3).

816-2.206 Objectives.

The objectives of, and the justification for, this chapter are to:

(1) Preserve and promote the aesthetic benefits provided by trees, views of surrounding locale, and access to light;

(2) Preserve and promote the beneficial use and enjoyment of privately owned land within the county;

(3) Preserve, maintain, and enhance property values within the county;

(4) Discourage the maintenance of trees that provide excessive shade and unduly diminish desirable views.

(Ord. 84-3).

Article 816-2.4. Definitions

816-2.402 General.

Unless otherwise specifically provided, or required by the context, the following terms have these meanings for the purposes of this chapter.

(Ord. 84-3).

816-2.404 Claimant.

"Claimant" means any owner of real property who believes in good faith that the growth, maintenance or location of trees situated on the property of another diminishes the beneficial use, economic value and enjoyment of this property, and who files a view claim under Section 816-2.424.

(Ord. 84-3).

816-2.406 Obstruction.

"Obstruction" means any blocking or diminishing of a view by tree growth, maintenance or location.

(Ord. 84-3).

816-2.408 Thinning.

"Thinning" means the selective removal of entire branches from a tree so as to improve the tree's structural condition.

(Ord. 84-3).

816-2.410 Topping.

"Topping" means the removal of the upper portion of a tree's trunk or primary leader.

(Ord. 84-3).

816-2.412 Trimming.

"Trimming" means the selective removal of portions of branches from a tree so as to modify the tree's form, shape or profile and/or improve the tree's appearance.

(Ord. 84-3).

816-2.414 Tree.

"Tree" means any woody perennial plant, usually with one main trunk, attaining a height of at least eight feet at maturity.

(Ord. 84-3).

816-2.416 Tree owner.

"Tree owner" means the owner of real property on which are situated tree(s) whose growth, maintenance or location allegedly diminishes the beneficial use, economic value and enjoyment of the property of another.

(Ord. 84-3).

816-2.418 Tree removal.

"Tree removal" means the destruction of any tree by cutting, girdling, interfering with the water supply, applying chemicals, or regrading around the base of the trunk.

(Ord. 84-3).

816-2.420 View.

"View" means a range of sight including pleasing vistas or prospects or scenes. Views include, but are not limited to, the sight of geologic features, bays, oceans, sky lines, bridges and distant cities.

(Ord. 84-3).

816-2.422 View arbitrator.

"View arbitrator" means any person mutually agreed to by the claimant and tree owner, a landscape architect registered and licensed by the state of California or other selected in accordance with applicable Arbitration Rules of the American Arbitration Association.

(Ord. 84-3).

816-2.424 View claim.

"View claim" means the claimant's verified written basis for arbitration or court action under this chapter, which clearly establishes all of the following:

(1) The precise nature and extent of the alleged view obstruction and particulars of the manner in which it diminishes the beneficial use, economic value and enjoyment of the claimant's property, including all pertinent corroborating physical evidence available;

(2) The exact location of all trees alleged to cause a view obstruction, the address of the property upon which the trees are located, and the present tree owner's name and address. This requirement may be satisfied by the inclusion of tree location, property address and tree owner information on a valid property survey or plot plan submitted with the view claim;

(3) Any mitigating actions proposed by the parties involved to resolve the alleged view claim;

(4) The failure of personal communication between the claimant and the tree owner to resolve the alleged view obstruction as set forth in this chapter. The claimant must provide physical evidence that written attempts at conciliation have been made and filed. Such evidence may include, but is not limited to, copies of and receipts for certified or registered mail correspondence.

(Ord. 84-3).

816-2.426 Windowing.

"Windowing" means the creation of a limited horizontal viewing plan through the head of a tree or trees.

(Ord. 84-3).

Article 816-2.6. Standards

816-2.602 General.

Unless otherwise specifically provided, the provisions of this article are to be utilized to resolve view claim disputes.

(Ord. 84-3).

816-2.604 Rights.

A claimant has no right greater than that which existed at the time of the claimant's acquisition of the property involved in the view claim, and shall provide evidence to prove the extent of that original view and right.

(Ord. 84-3).

816-2.606 View character.

The character of a view shall be determined by evaluating:

(1) The vantage point(s) from which the view is obtained;

(2) The existence of landmarks or other unique features in the view; and

(3) The extent to which the view is diminished by factors other than the tree(s) involved in the claim.

(Ord. 84-3).

816-2.608 Obstruction.

The character of the view obstruction shall be determined by evaluating:

(1) The extent of the alleged view obstruction, expressed as a percentage of the total view, and calculated by means of a surveyor's transit or by photography or both; and

(2) The extent to which landmarks or other unique features in the view are obstructed.

(Ord. 84-3).

816-2.610 Benefits and burdens.

The extent of benefits and/or burdens derived from the alleged view obstruction tree(s) shall be determined with consideration given to the tree(s)' contribution to the following factors:

(1) Visual screening;

(2) Wildlife habitat;

(3) Soil stability, as measured by soil structure, degree of slope and extent of tree(s) root system;

(4) Energy conservation and/or climate control, and/or interference in efficient operations of claimant's solar energy systems;

(5) Effects on neighboring vegetation;

(6) Visual quality of the tree(s), including, but not limited to, species characteristics, size, form, texture, color, vigor and location;

(7) The economic value of the tree(s), as measured by the criteria developed by the American Society of Landscape Architects; and

(8) Other tree-related factors, including, but not limited to, indigenous tree species, specimen tree quality, rare tree species, and historical value.

(Ord. 84-3).

816-2.612 Restoration evaluation.

Any restorative action shall be evaluated based on the standards of this article and consideration of the following:

(1) The effectiveness of the restorative action in reducing the view obstruction;

(2) Any adverse impact of the restorative action on the benefits derived from the tree(s) in question;

(3) The structural and biological effects of the restorative action on the tree(s) in question; and

(4) The cost of the restorative action, as determined by consultation with licensed landscape architects.

(Ord. 84-3).

816-2.614 Restoration limits.

Restorative actions shall be limited to the following:

(1) Trimming;

(2) Thinning;

(3) Windowing;

(4) Topping;

(5) Tree removal with necessary replacement planting; and/or

(6) No action.

(Ord. 84-3).

816-2.616 Restoration implementation.

All restorative actions shall be undertaken subject to the following:

(1) Restorative actions must be consistent with all applicable statutes, ordinances, and regulations.

(2) Where possible, restorative actions shall be limited to the trimming and/or thinning of branches; but, when is not a feasible solution, windowing is the preferable solution.

(3) When thinning, trimming and windowing of branches is not a feasible solution, topping shall be considered.

(4) Tree removal shall only be considered when all other restorative actions are judged to be ineffective and shall be accompanied by replacement plantings of appropriate plant material necessary to restore the maximum level of benefits lost due to tree removal. Replacement plantings can be required on the tree owner's or the claimant's property.

(5) In those cases where tree removal eliminates or significantly reduces the tree owner's benefits of shading, visual screening, or privacy, replacement screen plantings shall, at the tree owner's option, be established prior to tree removal; notwithstanding the provisions of subsection (4) of this section, the tree owner may choose tree removal with replacement plantings as an alternative to trimming, thinning, windowing, or topping.

(6) All trimming, thinning, windowing, topping or removal required under this chapter must be performed by a qualified tree trimmer or as approved by the view arbitrator.

(Ord. 84-3).

Article 816-2.8. Procedure

816-2.802 Initial reconciliation.

A claimant who believes in good faith that the growth, maintenance, or location of trees situated on the property of another diminishes the beneficial use, economic value and enjoyment of views naturally accruing to the claimant's property shall notify the tree owner in writing of such concerns. The submission of said notification to the tree owner should be accompanied by personal discussions, if possible, to enable the claimant and the tree owner to attempt to reach a mutually agreeable solution to the alleged view obstruction in accordance with the provisions of this chapter.

(Ord. 84-3).

816-2.804 Arbitration.

Where the initial reconciliation process fails, the claimant and the tree owner may elect binding arbitration pursuant to this chapter to resolve the alleged view obstruction. The view arbitrator shall be fully qualified under this chapter and shall be agreed to by both the claimant and the tree owner, who shall indicate such agreement in writing and with the arbitrator's consent. The arbitration agreement may provide for employment of experts representing the parties or may be limited to an investigation of the view claim conducted by the view arbitrator. The view arbitrator shall follow the terms and conditions of this chapter to reach a fair resolution of the view claim, and shall submit a complete written report to the claimant and the tree owner. The report shall include the view arbitrator's findings with respect to all standards listed in Article 816-2.6 and a complete listing of all mandated restorative actions. All mandated restorative actions shall be implemented within thirty days of the delivery of the arbitration report to the claimant and the tree owner, or within such other period recommended by expert advice to be required by seasons of the year, type of tree, etc. The findings of the view arbitrator shall be final.

(Ord. 84-3).

816-2.806 Costs.

The costs of arbitration and all mandated restorative actions and/or replacement plantings shall be apportioned between the claimant and the tree owner as mutually agreed to, or in the absence of agreement as follows:

(1) The claimant and tree owner shall each pay fifty percent of such costs in those cases involving any tree planted by the tree owner subsequent to March 1,1984.

(2) In all other cases, the claimant shall pay one hundred percent of such costs.

(Ord. 84-3).

816-2.808 Litigation.

In those cases where the initial reconciliation process fails to resolve the view claim and binding arbitration is not chosen by the parties, civil legal action may be pursued by the claimant.

(Ord. 84-3).

Article 816-2.10. Liabilities and Enforcement

816-2.1002 Liabilities.

The issuance of an arbitration report pursuant to this chapter does not establish any public use or access not already in existence with regard to the property for which the arbitration report and decision are issued, and does not create any liability for the county, any other public agency or entity, or the arbitrator with regard to any restorative actions or replacement plantings to be performed.

(Ord. 84-3).

816-2.1004 Enforcement.

Violations of this chapter are not misdemeanors or infractions. Enforcement of this chapter shall be by the involved private parties. Any claimant may seek to enforce any restorative action mandated pursuant to this chapter through ordinary legal proceedings.

(Ord. 84-3).

Chapter 816-4 HERITAGE TREE PRESERVATION (HTP) DISTRICT

Article 816-4.2. General

816-4.202 HTP district.

All land within Contra Costa County shall be subject to the provisions in this chapter.

(Ord. 88-83).

816-4.204 Intent and findings.

(a) Among the features that contribute to the attractiveness and livability of the county are its heritage trees growing as single specimens, in clusters or in woodland situations. These trees have significant psychological and tangible benefits for both residents of and visitors to the county.

(b) Heritage trees contribute to the visual framework of the county by providing scale, color, silhouette and mass. Heritage trees contribute to the climate of the county by providing shade, moisture and wind control. Heritage trees contribute to the protection of other natural resources by providing erosion control for the soil, oxygen for the air, replenishment of groundwater, and habitat for wildlife. Heritage trees contribute to the economy of the county by sustaining property values and reducing the cost of drainage systems for surface water. Heritage trees provide landmarks of the county's history, and a critical element of nature in the midst of urban settlement.

(c) For all these reasons, it is in the interest of the public health, safety and welfare of the county to regulate the removal of heritage trees, to require adequate protection of trees during construction, and to promote the appreciation and understanding of heritage trees.

(Ord. 88-83).

816-4.206 Regulations.

(a) The community development department, after consulting with and considering the recommendations of the building inspection, public works and agriculture department, may from time to time propose to the board of supervisors regulations to establish procedures to implement this chapter and to make more specific the standards and guidelines prescribed in this chapter. Such regulations as are approved by resolution of the board of supervisors shall have the force and effect of law unless otherwise indicated.

(b) Regulations may be promulgated to set forth criteria for granting and denying destruction permits and, among other things, to govern the marking of heritage trees and the prevention of excessive pruning.

(Ord. 88-83).

816-4.208 Arboricultural expertise.

All departments engaged in decisions regarding heritage trees may utilize such qualified arboricultural expertise as is required to implement this chapter in accordance with their current budget accounts.

(Ord. 88-83).

Article 816-4.4. Definition and Designation

816-4.402 Heritage tree definition.

"Heritage tree" means:

(1) A tree seventy-two inches or more in circumference measured four and one-half feet above the natural grade; or

(2) Any tree or a group of trees particularly worthy of protection, and specifically designated as a heritage tree by the board of supervisors pursuant to the provisions of this chapter, because of:

(A) Having historical or ecological interest or significance, or

(B) Being dependent upon each other for health or survival, or

(C) Being considered an outstanding specimen of its species as to such factors as location, size, age, rarity, shape, or health.

(Ord. 88-83).

816-4.404 Designation.

(a) The county or regional planning commission for its territorial area of jurisdiction shall receive nominations through the county community development department from any person for the registration of heritage trees on any property. When any property's owner has not joined with or consented to a nomination, that owner shall be provided timely notice of the date and time at which the planning commission and/or board will consider the nomination.

(b) If the planning commission approves the nominated trees, this decision shall be forwarded to the board for its consideration. If the board approves the heritage tree designation as recommended, then the tree shall be officially registered by resolution and thereafter a permit shall be required for its removal.

(c) If the planning commission does not approve a heritage tree nomination, its decision is final unless appealed to the board pursuant to and otherwise regulated by the special permit provisions of Chapter 26-2.

(d) The planning commission or board in designating a heritage tree shall consider the criteria of Section 816-4.402.

(e) All designated heritage trees shall be appropriately marked with the permission of involved property owners so as to provide continuing notice to the public of heritage tree status.

(f) A nomination fee of one hundred dollars shall be imposed per application. An appeal fee of fifty dollars per appeal shall be assessed.

(Ord. 88-83).

Article 816-4.6. Destruction or Removal

816-4.602 Prohibition.

Except as provided in this chapter, no person shall destroy or remove any designated heritage tree unless a permit has been obtained therefor. This chapter does not require a permit for nor prevent trimming, pruning, or maintenance of a heritage tree where such does not result in destruction nor substantially change the tree's form or shape.

(Ord. 88-83).

816-4.604 Emergency destruction.

In case of an emergency caused by any designated heritage tree being in a hazardous or dangerous condition requiring immediate action for the safety of structures or human life, such tree may be removed with the permission of the zoning administrator or building inspector if designated by the zoning administrator, without formal application. The zoning administrator may request certification from a tree expert as to the immediate need for action if the need is not clearly apparent.

(Ord. 88-83).

Article 816-4.8. Preservation

816-4.802 Encroachment, construction or excavation.

When proposed developments or construction encroach into the drip line or a radius of twelve feet from the trunk of any designated heritage tree, whichever is greater, special construction to allow the roots to breathe, obtain water and nutrients shall be required, as determined necessary by the building inspection department to minimize damage to such tree visible above ground level. Excavation, cuts, fills or compaction of the existing ground surface within the drip line or a radius of twelve feet from the trunk of a designated heritage tree, whichever is greater, shall minimize such damage to the root system so as to result in least damage to such tree. Permission is required prior to back filling. Tree wells may be used where approved by the building inspection department. The cost of required pruning or other treatment to compensate for root damage and/or cost of removal shall be at the expense of the involved developer and/or contractor but may be shared by the owner. Such pruning as is done shall not cause permanent injury or destroy any designated heritage tree.

(Ord. 88-83).

816-4.804 Storage and dumping.

No person shall store or dump any oil, gas, or chemicals that may be harmful to trees, nor place heavy construction machinery or construction materials in the open within the drip line of any designated heritage tree or within a radius of twelve feet from the trunk of such tree, whichever is greater.

(Ord. 88-83).

816-4.806 Burning.

Burning of any material within or near the drip line of any designated heritage tree shall not be done where such will injure the tree.

(Ord. 88-83).

816-4.808 Attachments.

No person shall attach any wire (except as needed for support) or sign (other than approved tree identification signs) to any heritage tree where such wire or sign may damage such designated heritage tree.

(Ord. 88-83).

816-4.810 Damage notification.

The contractor, developer or owner or any agent thereof shall notify the building inspection department without undue delay of any damage that occurs to any heritage tree during construction. The cost of repair of the damage or tree replacement shall be at the expense of the responsible party and the repair work done according to standards approved by the building inspection department.

(Ord. 88-83).

Article 816-4.10. Permits

816-4.1002 Application.

(a) Any application for a permit to destroy, cut down or remove a designated heritage tree shall be submitted to the community development department by the owner or the owner's~~his~~ authorized agent (satisfactory evidence of such authorization to be submitted with the application) on the form provided by the community development department together with any specified fee.

(b) The application shall contain the location, number, species, size, and heritage designation of the tree to be destroyed, cut down or removed and a statement of reasons for the proposed action, together with such other information as may be required by the community development department.

(Ord. 88-83).

816-4.1004 Procedure.

Before issuing a permit, the zoning administrator shall have inspected or cause to be inspected, the property, the heritage tree that is the subject of the permit, and the surrounding area. A permit shall be granted, modified, conditioned, or denied based upon the following factors:

(1) The health, damage, danger of falling of the designated heritage tree that is the subject of the permit and whether said heritage tree acts as a host for plants or animals parasitic to other trees which are endangered thereby.

(2) The presence of public nuisance factors, and the proximity to or interference with utilities, or interference with existing buildings to the extent that a tree or trees cannot be trimmed or buttressed to fit the site.

(3) The prevention of development as a result of heritage tree protection and preservation.

(4) The pursuit of good professional practices of forestry or landscape design.

(Ord. 88-83).

816-4.1006 Appeal.

The zoning administrator's decision on the permit application is final unless appealed to the planning commission having territorial jurisdiction pursuant to and otherwise regulated by the special permit provisions of Chapter 26-2.

(Ord. 88-83).

816-4.1008 Development coordination.

(a) An application for a permit to destroy, cut down or remove any designated heritage tree in connection with any development, shall be submitted and combined with the initial application for approval of the development and shall be considered together with the review and decision on the development.

(b) The proposed development shall indicate on its plan all trees designated as heritage trees. The heritage trees shall be evaluated and their individual treatment considered with respect to the land use and proposed development.

(c) The involved planning agency division may grant, grant with modifications or conditions, or deny the requested heritage tree application.

(d) Any appeal of a decision made by a planning agency division on the requested heritage tree application shall be made in the same manner and subject to the same procedure as a decision on the involved combined planning or subdivision entitlement for the development.

(Ord. 88-83).

816-4.1010 Priority.

In the case of any conflict between the provisions of this chapter and those of Chapter 816-2, the provisions of this Chapter 816-4 shall prevail.

(Ord. 88-83).

Chapter 816-6 TREE PROTECTION AND PRESERVATION

Article 816-6.2. Title and Purpose

816-6.2002 Title.

This chapter shall be known as the "tree protection and preservation ordinance" of Contra Costa County.

(Ords. 94-59, 94-22).

816-6.2004 Purpose.

This chapter provides for the preservation of certain protected trees in the unincorporated area of this county. In addition, this chapter provides for the protection of trees on private property by controlling tree removal while allowing for reasonable enjoyment of private property rights and property development for the following reasons:

(1) The county finds it necessary to preserve trees on private property in the interest of the public health, safety and welfare and to preserve scenic beauty.

(2) Trees provide soil stability, improve drainage conditions, provide habitat for wildlife and provide aesthetic beauty and screening for privacy.

(3) Trees are a vital part of a visually pleasing, healthy environment for the unincorporated area of this county.

(Ords. 94-59, 94-22).

816-6.2006 Coordination.

This chapter's requirements are intended to be in addition to those otherwise required by this code. In the case of any conflicts, the director shall determine the requirements applicable and the director's decision shall be final in the absence of a timely filed appeal pursuant to Chapter 26-2.

(Ords. 94-59, 94-22).

Article 816-6.4. Definitions

816-6.4002 Generally.

The definitions in this article govern the construction of this chapter, unless the context otherwise requires.

(Ords. 94-59, 94-22).

816-6.4004 Arborist.

"Arborist" means a person currently certified by the Western Chapter of the International Society of Arboriculture, as an expert on the care of woody trees, shrubs and vines in the landscape, a consulting arborist

who satisfies the requirements of the American Society of Consulting Arborists or such other arborist who, after review by the director, is determined to meet the standards established for certified or consulting arborists hereinabove described.

(Ords. 94-59, 94-22).

816-6.4006 Arborist report.

An arborist report is a report prepared by an arborist on:

(1) The possible impact of development on trees or existing tree condition;

(2) The impact of any alteration; and/or

(3) Restorative or other remedial action that might be feasible to address tree alterations.

(Ords. 94-59, 94-22).

816-6.4008 Department.

"Department" means the community development department.

(Ords. 94-59, 94-22).

816-6.4010 Development.

"Development" means any modification of land for human use from its existing state which requires a discretionary entitlement for its establishment or a building and/or grading permit involving a protected tree or trees.

(Ords. 94-59, 94-22).

816-6.4012 Development application.

A development application is an application for development (as defined in this article) requiring either ministerial or discretionary approvals including design review, use permits, subdivisions, rezoning applications, building and/or grading permits.

(Ords. 94-59, 94-22).

816-6.4014 Director.

"Director" means the director of community development or the director's ~~his/her~~ designee.

(Ords. 94-59, 94-22).

816-6.4015 Riparian.

Riparian vegetation is found along creeks and streams. Runoff streams that only carry runoff during the rain seasons in this area are known to support significant riparian vegetation.

(Ords. 94-59, 94-22).

816-6.4016 Routine pruning.

"Routine pruning" means the removal of dead or dying, diseased, weak or objectionable branches of a tree in a reasonable and scientific manner which does not structurally harm the tree.

(Ords. 94-59, 94-22).

816-6.4018 Topping.

"Topping" is the removal of the upper twenty-five percent or more of a tree's trunk(s) or primary leader.

(Ords. 94-59, 94-22).

816-6.4020 Tree.

"Tree" means a large woody perennial plant with one or more trunks, branches and leaves, not including shrubs shaped to tree forms.

(Ords. 94-59, 94-22).

816-6.4022 Tree removal.

"Tree removal" means the destruction of any protected tree by cutting, regrading, girdling, interfering with water supply, applying chemicals or by other means.

(Ords. 94-59, 94-22).

816-6.4024 Undeveloped property.

"Undeveloped property" is:

(1) A parcel of private land which is vacant or a developed parcel which has remaining development potential;

(2) A parcel of land which can be further divided in accordance with zoning regulations of the county;

(3) A parcel of land on which the structures are proposed to be demolished or relocated.

(Ords. 94-59, 94-22).

Article 816-6.6. Protected Trees

816-6.6002 Prohibition.

No person shall trench, grade or fill within the dripline of any protected tree or cut down, destroy, trim by topping or remove any protected tree on private property within the county without a tree permit, except as provided for in Section 816-4.1002.

(Ords. 94-59, 94-22).

816-6.6004 Protected trees.

A protected tree is any one of the following:

(1) On all properties within the unincorporated area of the county:

(A) Where the tree to be cut down, destroyed or trimmed by topping is adjacent to or part of a riparian, foothill woodland or oak savanna area, or part of a stand of four or more trees, measures twenty inches or larger in circumference (approximately 6.5 inches in diameter) as measured four and one-half feet from ground level, and is included in the following list of indigenous trees: Acer macrophyllum (Bigleaf Maple), Acer negundo (Box Elder), Aesculus califonica (California Buckeye), Alnus Rhombifolia (White Alder), Arbutus menziesii (Madrone), Heteromeles arbutifolia (Toyon), Juglans Hindsii (California Black Walnut), Juniperus californica (California Juniper), Lithocarpus densiflora (Tanoak or Tanbark Oak), Pinus attenuata (Knobcone Pine), Pinus sabiniana (Digger Pine), Platanus Racemosa (California Sycamore), Populus fremontii (Fremont Cottonwood), Populus trichocarpa (Black Cottonwood), Quercus agrifolia (California or Coast Live Oak), Quercus chrysolepis (Canyon Live Oak), Quercus douglasii (Blue Oak), Quercus kelloggii (California Black Oak), Quercus lobata (Valley Oak), Quercus wislizenii (Interior Live Oak), Salix lasiandra (Yellow Willow), Salix laevigata (Red Willow), Salix lasiolepis (Arroyo Willow), Sambucus callicarpa (Coast Red Elderberry), Sequoia sempervirens (Coast Redwood), Umbellularia californica (California Bay or Laurel);

(B) Any tree shown to be preserved on an approved tentative map, development or site plan or required to be retained as a condition of approval;

(C) Any tree required to be planted as a replacement for an unlawfully removed tree.

(2) On any of the properties specified in subsection (3) of this section:

(A) Any tree measuring twenty inches or larger in circumference (approximately six and one-half inches diameter), measured four and one-half feet from ground level including the oak trees listed above;

(B) Any multistemmed tree with the sum of the circumferences measuring forty inches or larger, measured four and one-half feet from ground level;

(C) And any significant grouping of trees, including groves of four or more trees.

(3) Specified properties referred to in subsection (2) of this section includes:

(A) Any developed property within any commercial, professional office or industrial district;

(B) Any undeveloped property within any district;

(C) Any area designated on the general plan for recreational purposes or open space;

(D) Any area designated in the county general plan open space element as visually significant riparian or ridge line vegetation and where the tree is adjacent to or part of a riparian, foothill woodland or oak savanna area.

(Ords. 94-59, 94-22).

816-6.8002 Permit requirement.

Any person proposing to trench, grade or fill within the dripline of any protected tree or cut down, destroy, trim by topping or remove any protected tree shall apply to the department for a tree permit, not less than ten days prior to the proposed tree removal or tree alterations.

Persons who would be eligible to apply for three or more individual tree permits under provisions of this chapter may apply for a collective tree permit for the site.

(Ords. 94-59, 94-22).

816-6.8004 Application.

In addition to any other applicable requirements of this code and county ordinances, the application shall include the following information and items:

(1) The number, size (including height and diameter measured four and one-half feet above ground), species, location, dripline and condition of each tree proposed to be altered or removed;

(2) The reason(s) for alteration or removal;

(3) A plot plan showing the approximate location of all trees on the site, including those proposed to remain;

(4) Proposed method of tree alteration or removal;

(5) Information indicating the effect of tree alteration or removal on soil stability and erosion if located on a steep slope or near any creek;

(6) The signature of the property owner or if the permit is requested by someone other than the owner, a written authorization from the owner;

(7) Photographs of the tree/s to be affected by grading or trenching, topping or removal;

(8) A list and set of stamped envelopes addressed to adjacent property owners and other individuals and organizations as may otherwise be indicated by the director of community development. Such envelopes, with no return address, shall be required for notification of the tentative decision to grant a tree permit;

(9) Additional information as may be required by the county upon review of the above information;

(10) Application and permit fees.

(Ords. 94-59, 94-22).

816-6.8006 Review and site inspection.

Prior to making a decision, the director or the director's ~~his~~ designee shall review the application using the criteria and factors specified in this article. Application review may include a site visit.

(Ords. 94-59, 94-22).

816-6.8008 Arborist or forester report.

If the reasons for alteration or removal relate to the health of the tree or if grading, trenching or filling is proposed under the dripline of an existing tree, or the review is of a collective tree permit and the director determines that more technical expertise is necessary to make the decision, a report prepared by an arborist may be required, to be paid for by the applicant.

(Ords. 94-59, 94-22).

816-6.8010 Factors.

In granting or denying the tree permit the following factors shall be considered:

(1) General.

(A) The proximity and number of other trees in the vicinity;

(B) The relationship of the subject property to general plan open space or open space plans and policies.

(2) For Approval.

(A) The arborist report indicates that the tree is in poor health and cannot be saved;

(B) The tree is a public nuisance and is causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.);

(C) The tree is in danger of falling and cannot be saved by some other means (such as pruning);

(D) The tree is damaging existing private improvements on the lot such as a building foundation, walls, patios, decks, roofs, retaining walls, etc.;

(E) The tree is a species known to be highly combustible and is determined to be a fire hazard;

(F) The proposed tree species or the form of the tree does not merit saving (i.e., a tree stunted in growth, poorly formed, etc.);

(G) Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot;

(H) The tree is a species known to develop weaknesses that affect the health of the tree or the safety of people and property. These species characteristics include but are not limited to short lived, weak wooded and subject to limb breakage, shallow rooted and subject to toppling.

(I) Where the arborist or forester report has been required, and the director is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.

(3) For Denial.

(A) The applicant seeks permission for the alteration or removal of a healthy tree that can be avoided by reasonable redesign of the site plan prior to project approval (for nondiscretionary permits);

(B) It is reasonably likely that alteration or removal of the tree will cause problems with drainage, erosion control, land stability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree;

(C) The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival;

(D) The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner;

(E) If the permit involves trenching or grading and there are other reasonable alternatives including an alternate route, use of retaining walls, use of pier and grade beam foundations and/or relocating site improvements;

(F) Any other reasonable and relevant factors specified by the director.

(Ords. 94-59, 94-22).

816-6.8012 Decision.

The director shall grant or deny tree permits in accordance with this chapter and code. If a permit is granted, the director may attach conditions to insure compliance with this chapter and code. These conditions may include a requirement to replace any or all trees on a comparable ratio of either size or quantity. Single tree permits shall be valid for a period of ninety days and may be renewed for additional periods by the director upon request by the applicant. Collective tree permits shall be valid for a period of time to be determined by the director based upon individual circumstances.

If a permit is denied, the director shall state the reason for denial. Notice of decision shall be mailed to the applicant.

(Ords. 94-59, 94-22).

816-6.8014 Appeals.

Any person may appeal the director's decision within ten calendar days of the director's decision to the planning commission having jurisdiction in accordance with Chapter 26-2. Further appeals may be made as provided by Chapter 26-2. Appeals shall be made in writing and state the specific reasons why the decision does not meet the criteria and factors for granting or denial of a permit as stated in this chapter.

(Ords. 94-59, 94-22).

Article 816-6.10. Permit Exceptions

816-6.1002 No permit.

A tree permit is not required for the following situations:

(1) Hazardous Situation. Any tree whose condition creates a hazardous situation which requires immediate action as determined by the director, building inspector, sheriff, involved fire district or a utility company to protect its facilities. During off-hours, when officials described above are unavailable, the hazardous situation may be corrected and a report of the incident and description of the hazard shall be submitted to the director within ten days of the incident.

(2) Prior Approval. Any tree whose removal was specifically approved as a part of an approved development plan, subdivision, other discretionary project or a building permit.

(3) Routine pruning not involving topping or tree removal.

(4) Commercial plantings. Planting, removal and harvesting in connection with Christmas tree farms, orchards and nurseries.

(5) Rangeland Management. Normal activities associated with range management and the disposition of wood incidental to rangeland management on agriculturally zoned properties (with each parcel containing at least twenty acres but also including properties in adjacent common ownership interest of at least twenty acres), will not require a tree permit. "Rangeland management activities" are defined as including, but not limited to, the clearing and thinning of trees for purposes of reducing fire risk or enhancement of forage production, removing obstruction to stormwater runoff flow, maintaining adequate clearance on range roads and fire trails, fencing maintenance and protecting equipment and constructions.

(6) Public Agencies/Utilities. Trimming and clearing within public agency or utility easements and rights-of-way for maintenance of easement or right-of-way will not require a tree permit. Lands owned by public utilities and used for administrative purposes or uses unrelated to the public service provided by the utility are not exempted under this provision.

(Ords. 94-59, 94-22).

816-6.1004 Proposed development.

(a) On any property proposed for development approval, tree alterations or removal shall be considered as a part of the project application.

(b) All trees proposed to be removed, altered or otherwise affected by development construction shall be clearly indicated on all grading, site and development plans. Except where the director otherwise provides, a tree survey shall be submitted as a part of the project application indicating the number, size, species and location of the dripline of all trees on the property. This survey shall be overlaid on the proposed grading and development plans. The plan shall include a tabulation of all trees proposed for removal.

(c) The granting or denial of a tree removal program which is a part of a development proposal covered by this section shall be subject to Sections 816-6.8008 and 816-6.8014. A separate tree removal permit shall not be required.

(Ords. 94-59, 94-22).

Article 816-6.12. Tree Protection

816-6.1202 Tree protection.

Except where otherwise provided by the involved development's conditions of approval or approved permit application, on all properties where trees are required to be saved during the course of development, the developer shall follow the following tree preservation standards:

(1) Prior to the start of any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on a site with trees to be preserved, the applicant shall install fencing at the dripline or other area as determined by an arborist report of all trees adjacent to or in the area to be altered. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by appropriate county staff.

(2) No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the dripline unless indicated on the grading plans approved by the county and addressed in any required report prepared by an arborist. If grading or construction is approved within the dripline, an arborist may be required to be present during grading operations. The arborist shall

have the authority to require protective measures to protect the roots. Upon completion of grading and construction, an involved arborist shall prepare a report outlining further methods required for tree protection if any are required. All arborist expense shall be borne by the developer and applicant unless otherwise provided by the development's conditions of approval.

(3) No parking or storing vehicles, equipment, machinery or construction materials, construction trailers and no dumping of oils or chemicals shall be permitted within the dripline of any tree to be saved.

(Ords. 94-59, 94-22).

816-6.1204 Deposit conditions.

Prior to the issuance of any grading or building permit for a property where trees are required by this chapter to be saved, the owner or developer shall deposit cash or other acceptable security with the department on a per tree basis in the amount established by the involved development's conditions of approval or approved applications.

As required, the county may hold the deposit for a two-year period to guarantee the health of the trees for a two-year period upon completion of construction. In addition, the applicant or developer may be required to enter into a tree maintenance agreement secured by said deposit/bond by which they agree to maintain said trees in a living and viable condition throughout the term of the agreement. This agreement may be transferred to any new owner of the property for the remaining length of the agreement.

(Ords. 94-59, 94-22).

816-6.1206 Construction tree damage.

A development's property owner or developer shall notify the department of any damage that occurs to any tree during the construction process. The owner or developer shall repair any damage as determined by an arborist designated by the director.

Any tree not approved for destruction or removal that dies or is significantly damaged as a result of construction or grading shall be replaced with a tree or trees of equivalent size and of a species as approved by the director to be reasonably appropriate for the particular situation.

(Ords. 94-59, 94-22).

816-6.1208 Violations.

Violations of this chapter are punishable and may be corrected in any manner provided by this code or as otherwise allowed by law. Each tree damaged or removed in violation of this chapter shall constitute a separate offense.

(Ords. 94-59, 94-22).

Division 818 COMMUNITY FACILITY FEES

Chapter 818-2 FIRE PROTECTION FACILITIES

Article 818-2.2. General

818-2.202 Purpose and intent.

The purpose of this chapter is to provide a method for financing fire protection facilities required by the goals and policies of the general plan and necessitated by the needs of new construction and development for adequate fire protection facilities and services. Failure to provide these facilities and services would place residents of the completed construction and service area in a condition perilous to their health and safety.

(Ords. 90-35, 86-49).

818-2.204 General plan.

The fire protection plan part of the community facilities element of the county's general plan provides for the location of fire station and facilities. Fees collected pursuant to this chapter shall be used for fire protection facilities consistent with the general plan.

(Ords. 90-35, 86-49).

818-2.206 Regulations.

The board may from time to time, by resolution, issue regulations to establish administration, procedures, interpretation and policy direction for this chapter.

(Ords. 90-35, 86-49).

Article 818-2.4. Definitions

818-2.402 Generally.

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this article for the purposes of this chapter.

(Ords. 90-35, 86-49).

818-2.404 Fire district.

"Fire district" means a district in this county organized under the Fire Protection District Law of 1967.

(Ords. 90-35, 86-49).

818-2.406 Fire protection facilities.

"Fire protection facilities" means fire stations (including furnishing and fixtures), sites, appurtenant equipment (including vehicles), and appropriate share of central facilities (administration, dispatch, repair shop, and training) which are designed, developed and used to provide the full spectrum of fire protection services to a given service area.

(Ords. 90-35, 86-49).

818-2.408 Floor space.

"Floor space" means "floor area" as the latter term is defined in Section 407 of the Uniform Building Code as adopted by Division 74 of this code.

(Ords. 90-35, 86-49).

818-2.410 New construction.

(a) Residential. "New construction," when applied to the construction of residential buildings or the installation of mobilehomes, means construction or installation which increases the number of dwelling units on a given lot.

(b) Nonresidential. "New construction," when applied to the construction or installation of nonresidential buildings, means construction or installation which increases the amount of floor space for nonresidential building purposes on a given lot.

(Ords. 90-35, 86-49).

818-2.412 Overextended.

A service area's fire protection facilities are "overextended," when determined not to be adequate by the involved fire district and the board of supervisors, following review and acceptance of a district-prepared report on fire facility needs which considers factors including current and needed fire protection and station facilities, response time, present and expected population growth and density, geographical conditions, water supply, and implementation of the fire protection plan part of the community facilities element of the county's general plan.

(Ords. 90-35, 86-49).

818-2.414 Service area.

The "service area" for given fire protection facilities is that geographical area within a fire district, including both incorporated and unincorporated territory, within which the fire protection facilities are located and to which the fire protection facilities are the primary provider of fire protection services. The precise boundaries of a given service area shall be finally determined by the board of supervisors and may include an entire district.

(Ords. 90-35, 86-49).

Article 818-2.6. Fees

818-2.602 Requirement.

Within the unincorporated portion of any. service area for which existing fire protection facilities are overextended, a fire protection facilities fee computed pursuant to this chapter shall be paid as a condition precedent to the issuance of any building permit for new construction.

(Ords. 90-35, 86-49).

818-2.604 Residential credit.

With respect to residential buildings or mobilehomes constructed or installed within a development where the development was approved subject to the condition that the developer pay fire protection facilities fees (which have been paid to the involved district), a credit shall be given against Section 8 18-2.602's fee on account of such paid fees.

(Ords. 90-35, 86-49).

818-2.606 Use of fee.

All fire protection facilities fees collected pursuant to this chapter shall be deposited in a restricted account within the county treasury. All moneys deposited in such account together with any interest earned thereon, shall be used only for the purposes of acquiring or improving fire protection facilities serving the service area, or portions thereof, from which the fees were collected.

(Ords. 90-35, 86-49).

818-2.608 Administration fee.

In addition to the fire protection facilities fee imposed by Section 818-2.602, an administration fee shall also be paid as a condition precedent to the issuance of any building permit for new construction. The administration fee shall be in an amount equal to the estimated average cost, as determined by the board of supervisors from time to time, of processing such permit in accordance with the provisions of this chapter.

(Ord. 90-35, 86-49).

818-2.610 Refund.

(a) Error. Any fee erroneously collected under color of this chapter shall be refunded without interest to the payor if, within one hundred eighty calendar days after the date on which such fee was deposited in the county treasury, the payor files a written application therefor with the director of building inspection and provides proof of such error satisfactory to the director of building inspection.

(b) Permit Termination. Any fire protection facilities fee collected pursuant to Section 818-2.602 shall be refunded without interest to the payor if the building permit to which it relates is cancelled or expires prior to commencement of construction pursuant thereto and if the payor files a written application for the refund with the director of building inspection within one hundred eighty calendar days after such cancellation or expiration.

(Ords. 90-35, 86-49).

818-2.612 Acceptable agreement.

Where an involved fire district and the developer of proposed new construction have entered a written secured agreement for the developer's provision of fire protection facilities, the planning agency may accept that agreement as satisfying this chapter and in lieu of the fees required by Section 8 18-2.602. Before accepting such an agreement, the planning agency shall be satisfied that the agreement is enforceable and provides for facilities consistent with this chapter's requirements.

(Ord. 90-35, 86-49).

Article 818-2.8. Fire Districts' Findings

818-2.802 Findings and notice.

Pursuant to this chapter, the board of directors, commissioners or fire chief of a fire district may make findings supported by documentation that fire protection facilities within a service area or areas are overextended. Upon making these findings, the fire district must provide the county with a notice of findings' report.

(Ords. 90-35, 86-49).

818-2.804 Report requirements.

Any notice of findings' report sent by a fire district to the county shall specify:

(1) Description. A legal description and map of the geographic boundaries of the proposed service area or areas.

(2) Findings. The findings of Section 818- 2.802 and supporting documentation which considers factors, including current and needed fire protection and fire station facilities to mitigate the overextended area's facilities, response time, present and expected population growth and density, geographical conditions, water supply, staffing levels, support facilities impact, building construction type, incident type and frequency, and implementation of the fire protection plan part of the community facilities element of the general plan.

(3) Costs. Estimates of the total cost of additional fire protection facilities needed to mitigate the overextended area's facilities and the portion of that total cost proposed to be allocated to, and collected from, new residential and nonresidential construction. These estimates and allocations shall have accompanying documentation showing generally how they were established.

(4) Fees. A schedule of proposed fees for each type of new construction.

(5) General Plan. I-low fire protection facilities proposed to be constructed or acquired by fees collected in the service area or areas will be consistent with and implement the general plan.

(Ords. 90-35, 86-49).

818-2.806 Fire chief.

The involved district fire chief shall, at least fourteen days prior to any scheduled board of supervisors' public meeting on a notice of findings' report, file with the clerk of the board data indicating the proposed fees, the cost or estimated cost of providing the fire protection facilities in the service area and anticipated revenue sources. This data may be contained in the filed notice of findings' report.

(Ords. 90-35, 8649. Gov. Code § 65962).

Article 818-2.10. Review by Board of Supervisors

818-2.1002 County concurrence.

After the receipt of any notice of findings' report complying with the requirements of Section 818-2.804, the board shall determine whether it concurs with the fire district. Before concurring and taking action pursuant to this article, the board shall schedule and hold a public meeting on the report.

(Ords. 90-35, 8649).

818-2.1004 Notice of meeting.

The clerk of the board shall at least fourteen days prior to the public meeting:

(1) Cause notice of the meeting to be published one time in a newspaper of general circulation.

(2) Mail notice of the public meeting to any interested party who has filed a written request for mailed notice with the clerk of the board.

(Ords. 90-35, 8649: Gov. Code §§ 554986(a) & 54992(a)).

818-2.1006 Meeting.

At the scheduled meeting, the board shall consider the report. data filed, and any oral or written presentations that may be made. The board may then concur with the report and then adopt, revise or reduce the proposed fees. The board, by ordinance, shall determine the existence of overextended fire facilities, designation of specific service area(s). the amount of fees for each type of new construction, and establishment of an administrative fee amount. On and after the effective date of the ordinance codified in this division. these fees shall be collected in the specified service area(s) pursuant to Section 818-2.602.

(Ord. 90-35, 86-49 Gov. Code § 65962).

Division 820 RIGHT TO FARM

Chapter 820-2 GENERAL

820-2.002 Short title.

This division shall be known and may be cited as the Right To Farm Ordinance.

(Ord. 97-38 § 2).

820-2.004 Findings.

(1) It is the declared policy of this county to enhance and encourage agricultural operations within the county. It is the further intent of this county to provide to its residents proper notification of the county's recognition and support, through this division, of the right to farm. (County General Plan, Section 8-7).

(2) Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations frequently can be the subjects of nuisance complaints. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investments in farm improvements, to the detriment of adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of this division to prevent the loss to the county of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance.

(3) An additional purpose of the ordinance codified in this division is to promote a good-neighbor policy by requiring notification of purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residential use. Such concerns may include, but are not limited to, the noise, odors, dust, chemicals, smoke, and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas.

(4) The ordinance codified in this division is intended to carry out and advance the county's agricultural resources goals, policies, and implementation measures as set forth in the conservation element of the county general plan.

(Ord. 97-38 § 2).

820-2.006 Definitions.

As used in this division, unless the context otherwise requires, the following words and phrases shall have the meanings given in this section:

(1) "Agricultural land" means all that real property within the unincorporated area of the county currently used for agricultural operations, zoned for agricultural use, designated for agricultural purposes by the county general plan, or upon which agricultural operations may in the future be established, including publicly-owned land designated for park, recreation, open space, watershed, or other public purposes.

(2) "Agricultural operation" means and includes the present and future application and use of agricultural technology (including the application of agricultural chemicals) for, but not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur-bearing animals, fish or poultry; and any commercial agricultural practices performed incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market.

(3) "Agricultural processing operation" means and includes the canning or freezing of agricultural products, the processing of dairy products, the production and bottling of wine, the processing of meat and egg products, the drying of fruits and grains, the packing and cooling of fruits and vegetables, and the storage or warehousing of any agricultural products, and shall include processing for wholesale or retail markets of agricultural products.

(4) "Continuous operation" means at least thirty days of agricultural processing operations per year.

(5) "Proper and accepted customs and standards" means compliance with all applicable state and federal statutes and regulations governing agricultural operations or agricultural processing operations with respect to the condition or effect alleged to be a nuisance.

(Ord. 97-38 § 2).

820-2.008 Nonapplicability.

This division is not to be construed as in any way modifying, invalidating, or abridging federal law or regulation, or state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of federal or state law relative to nuisances; instead, it is only to be utilized in the interpretation and enforcement of the provisions of this code and county regulations.

(Ord. 97-38 § 2).

Chapter 820-4 NUISANCE

820-4.002 Nuisance — Agricultural operation.

In accordance with the provisions of Civil Code Section 3482.5(b), no present or future agricultural operation, conducted or maintained on agricultural land for commercial purposes, and in a manner consistent with proper and accepted customs and standards and with all provisions of this code, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private, pursuant to Section 3479 et seq. of the California Civil Code, due to any changed conditions in or about the locality, after it has been in operation for more than three years, if it was not a nuisance when it began.

(Ord. 97-38 § 2).

820-4.004 Exception for obstructions.

Section 820-4.002 shall not apply if the agricultural operation obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

(Ord. 97-38 § 2).

820-4.006 Nuisance — agricultural processing operation.

In accordance with the provisions of Civil Code Section 3482.6(a), and subject to the other provisions of that section, no agricultural processing operation, conducted or maintained on agricultural land for commercial purposes, and in a manner consistent with proper and accepted customs and standards and with all provisions of this code, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private, pursuant to Section 3479 et seq. of the California Civil Code, due to any changed conditions in or about the locality, after it has been in continuous operation for more than three years, if it was not a nuisance when it began.

(Ord. 97-38 § 2).

Chapter 820-6 DISCLOSURE

820-6.002 Disclosure to current owners.

(1) The community development department shall cause to be published a one-eighth-page advertisement in one or more newspapers of general circulation in the unincorporated area of the county, which advertisement shall include the disclosure statement in subsection (2).

(2) Disclosure Statement. "The County of Contra Costa declares its policy to protect and encourage agricultural operations as defined in the County's "Right To Farm Ordinance" (Division 820 of the County Ordinance Code). Contra Costa County has adopted a Right To Farm ordinance. If your property is located in the unincorporated area of the county, near an agricultural operation or an agricultural processing operation, including such operations located on publicly-owned land designated for park, recreation, open space, watershed, or other public purposes, you may at times be subject to inconvenience or discomfort arising from those operations, including noise, odors, fumes, dust, the operation of machinery (including aircraft) during any time of day or night, the storage and disposal of manure, and the ground or aerial application of fertilizers, soil amendments, seed, herbicides, and pesticides. These similar inconveniences will not be considered a nuisance if they are conducted according to proper and accepted customs and standards. The Right To Farm Ordinance also establishes a grievance procedure to help resolve any disputes between agricultural operators and their neighbors. This is only a summary of the Right To Farm Ordinance. If you wish further information about the meaning or effect of the ordinance or the grievance procedure set forth in it, please contact the Contra Costa County Community Development Department, at 651 Pine Street, 4th Floor, North Wing, Martinez, California, 94553."

(3) The disclosure statement set forth in subsection (2) is given for informational purposes only, and nothing in this division or in the disclosure statement shall prevent any person from complaining to any appropriate agency, or taking any other available remedy, concerning any unlawful or improper agricultural practice.

(Ord. 97-38 § 2).

820-6.004 Disclosure in land use entitlements.

Upon the issuance of a discretionary development entitlement, including, but not limited to, tentative subdivision maps, parcel maps, and land use permits, for use on, adjacent to, or near agricultural land, the entitlement may include a condition that the owner(s) of the property shall be required to sign a statement of acknowledgment containing the disclosure set forth in Section 820-6.002, on a form provided by the community development department.

(Ord. 97-38 § 2).

820-6.006 Disclosure to buyers.

(1) In accordance with the provisions of Section 1102 et seq. of the California Civil Code, upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative improved with one to four dwelling units, the transferor shall deliver to the prospective transferee the disclosure statement set forth in subsection (4).

(2) Exceptions to the application of this section are set forth in Civil Code Section 1102.1.

(3) The disclosure statement shall be delivered in the manner set forth in Civil Code Sections 1102.2 and 1102.10.

(4) Disclosure Statement.

LOCAL OPTION

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS

(Address and APN)

DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH COUNTY ORDINANCE CODE DIVISION 820 AS OF November_____, 1997. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I

SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF CONTRA COSTA, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

The County of Contra Costa permits and supports operation of properly-conducted agricultural operations and agricultural processing operations, as defined in the County's Right To Farm Ordinance (Division 820 of the County Ordinance Code), within the unincorporated area of the county. If the property you are purchasing is located in the unincorporated area of the county, near agricultural lands or operations, or included within an area zoned or designated by the County General Plan for agricultural purposes, including such operations located on publicly-owned land designated for park, recreation, open space, watershed, or other public purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to, noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, solid amendments, seed, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation or agricultural processing operation that is in conformance with existing laws and regulations and with proper and accepted customs and standards. Contra Costa County has determined that the use of real property for agricultural operations and agricultural processing operations is a high priority and favored use, and will not consider to be a nuisance those inconveniences or discomforts arising from such operations, provided such operations are established as set forth in the Right To Farm Ordinance and consistent with proper and accepted customs and standards.

If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Contra Costa County has established a grievance procedure to help resolve any disputes which might arise between agricultural operators and their neighbors. This is only a summary of the Right To Farm Ordinance. If you wish further information about the meaning or effect of the ordinance or the grievance procedure set forth in it,

please contact the Contra Costa County Community Development Department, at 651 Pine Street, 4th Floor, North Wing, Martinez, California, 94553.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller	Date
Seller	Date

II

BUYER INFORMATION

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller	Date
Seller	Date
Buyer	Date
Buyer	Date

Agent (Broker Representing Seller) By _____
Date_____ (Assoc. Licensee or Broker-Signature)

Agent (Broker Obtaining the Offer) By _____
Date_____ (Assoc. Licensee or Broker-Signature)

Present Assessor's Parcel Number:___-___-

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

(Ord. 97-38 § 2).

820-6.008 Refusal to sign disclosure statement.

If a transferee refuses to sign the disclosure statement set forth in Section 820-6.006, the transferor may comply with the requirements of this chapter by delivering the statement to the transferee as provided in Section 820-6.006 and affixing and signing the following declaration to the statement:

I,___(name)___, have delivered a copy of the foregoing disclosure statement as required by law to (transferee's name)___, who has refused to sign.

I declare the foregoing to be true.

Date:_____ Signature:_____ Print Name:

(Ord. 97-38 § 2).

Chapter 820-8 RESOLUTION OF DISPUTES

820-8.002 Initial notification.

A party who believes in good faith that an agricultural operation or agricultural processing operation is causing inconvenience or discomfort to the party ~~him or her~~ shall notify the operator in writing of such concerns. The submission of said notification should be accompanied by personal discussions, if possible, to enable the claimant and the operator to attempt to reach a mutually agreeable reconciliation.

(Ord. 97-38 § 2).

820-8.004 Grievance procedure.

(1) Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations or agricultural processing operations, which cannot be settled by direct notification, the parties involved may agree to submit the controversy to a grievance committee as set forth below, in an attempt to resolve the matter without filing any court action.

(2) The grievance committee shall consist of five members selected from the community at large by the board of supervisors, and serving at the pleasure of the board, two of whom shall be engaged in the commercial practice of agriculture, two of whom shall have no financial interest in any agricultural property or operation, and the final member being the farm advisor of the University of California Cooperative Extension or designee. Members of the committee shall receive no compensation for carrying out these duties.

(3) A majority of the members shall constitute a quorum of the grievance committee, and no decision shall be valid unless taken upon a majority vote of the members present. The county agricultural commissioner shall be the secretary, who shall call meetings as the need arises and shall maintain minutes of each meeting. The grievance committee may adopt rules of procedure governing the conduct of its meetings.

(4) An aggrieved party may submit the controversy to the grievance committee, by written request, within thirty days after the initial notification.

(5) Thereafter, the grievance committee may investigate the facts of the controversy, but must, within thirty days, hold a meeting to consider the merits of the matter and within twenty days of the meeting render a written decision to the parties. At the time of the meeting both parties shall have an opportunity to present what each considers to be pertinent facts.

(6) The decision of the grievance committee shall be advisory only.

(7) The effectiveness of the grievance committee as a forum for resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

(Ord. 97-38 § 2).

820-8.006 Arbitration.

If any controversy is not resolved by the initial notification or grievance procedure to the satisfaction of either party, the parties may agree to enter into an arbitration agreement providing for an arbitration proceeding in accordance with Title 9 (commencing with Section 1280) of Part III of the Code of Civil Procedure.

(Ord. 97-38 § 2).

Chapter 820-10 MISCELLANEOUS

820-10.002 Precedence.

This division shall take precedence over all provisions of this code, county ordinances or parts of ordinances, and board resolutions or parts of resolutions, in conflict herewith.

(Ord. 97-38 § 2).

Division 822 AFFORDABLE HOUSING

Chapter 822-2 RESIDENTIAL DENSITY BONUS

Article 822-2.2. General

822-2.202 Title.

This chapter is known and may be cited as the residential density bonus ordinance.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.204 Purposes.

The purposes of this chapter are to provide incentives for the production of housing for very low income, lower income, moderate income, or senior households; to facilitate the development of affordable housing; to implement the goals, objectives, and policies of the county general plan's housing element; and to establish procedures for complying with Government Code Section 65915.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.206 Definitions.

As used in this chapter, the following terms have the following meanings:

(a) "Affordable rent" means a rent, including a reasonable utility allowance as determined by the director, for rental target units that does not exceed the following calculations pursuant to Health and Safety Code Section 50053:

(1) Very low income: fifty percent of the area median income (AMI) for Contra Costa County, adjusted for household size, multiplied by thirty percent and divided by twelve.

(2) Lower income: sixty percent of the AMI for Contra Costa County, adjusted for household size, multiplied by thirty percent and divided by twelve.

(b) "Affordable sales price" means a sales price at which lower, very low, or moderate income households can qualify for the purchase of target units, taking into account available financing, number of bedrooms and therefore, assumed household size, reasonable down payment, and affordable housing costs as defined in Health and Safety Code Section 50052.5. The affordable sales price for lower income households must not exceed a price affordable to households whose income is at or below seventy percent AMI. The affordable sales price for very low income households must not exceed a price affordable to households whose income is at or below fifty percent AMI. The affordable sales price for moderate income households must not exceed a price affordable to persons and families whose income is at or below one hundred ten percent AMI.

(c) "Child care facility" has the meaning set forth in Government Code Section 65915(i)(4).

(d) "Common interest development" has the meaning set forth in Civil Code Section 1351.

(e) "Concession or incentive" has the meaning set forth in Government Code Section 65915(l).

(f) "Density bonus" has the meaning set forth in Government Code Section 65915(g).

(g) "Density bonus housing agreement" means a legally binding agreement between a developer and the county to ensure that the requirements of this chapter are satisfied and that establishes, among other things, the number, size, location, terms and conditions of affordability, and production schedule of target units.

(h) "Density bonus units" means those residential units granted pursuant to the provisions of this chapter that exceed the otherwise maximum residential density for the development site.

(i) "Development standard" has the meaning set forth in Government Code Section 65915(o)(1).

(j) "Director" means the community development director.

(k) "Housing cost" means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, property taxes and assessments, fire and casualty insurance, and homeowner association fees.

(l) "Housing development" means, pursuant to Government Code Section 65915(j), new construction, rehabilitation or conversion projects consisting of five or more residential units, including single-family, and multifamily homes for sale or rent.

(m) "Lower income household" means a household whose income does not exceed the lower income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.

(n) "Maximum allowable residential density" means, pursuant to Government Code Section 65915(o)(2), the maximum number of residential units permitted by the county's general plan land use element and applicable zoning district at the time of application, apart from the provisions of this chapter.

(o) "Moderate income household" means persons and families whose income does not exceed the moderate income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093. The income limit for moderate income households in Contra Costa County is one hundred twenty percent of the area median income.

(p) "Non-restricted unit" means any unit within a housing development that is not a target unit.

(q) "Qualifying resident" means a senior citizen or other person eligible to reside in senior citizen housing as defined in Civil Code Section 51.3.

(r) "Senior citizen housing development" has the meaning set forth in Civil Code Section 51.3.

(s) "Target unit" means a dwelling unit within a housing development that is affordable to and will be reserved for sale or rent to very low income households, lower income households, moderate income households, or qualifying residents.

(t) "Very low income household" means a household whose income does not exceed the very low income limits applicable to Contra Costa County adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

(Ords. 2007-28 § 2, 2004-45 § 3, 2001-06 § 2).

822-2.208 State law.

If any provisions of this chapter are inconsistent with any provisions of Government Code Section 65915, then the provisions of Government Code Section 65915 shall prevail. All statutory references apply to the statute as now or hereafter amended.

(Ords. 2007-28 § 3).

Article 822-2.4. Density Bonuses

822-2.402 Inclusionary unit density bonus.

For any project where inclusionary units are required under Chapter 822-4, a developer may request a density bonus for providing the required inclusionary units. The developer may request a density bonus in an amount equal to or less than fifteen percent of the total units in the development, including the inclusionary units provided in the development. A developer who requests a density bonus for providing inclusionary units is entitled to a density bonus in the requested amount, up to the maximum fifteen percent. A developer is not entitled to any incentives or concessions under Section 822-2.408, except for incentives that may otherwise be granted pursuant to subsection (c) of Section 822-4.418.

(Ords. 2007-28 § 4, 2004-45 § 3, 2001-06 § 2).

822-2.404 Affordable unit density bonus.

(a) If a project includes moderate income, lower income, very low income, or senior housing units at levels beyond those required by Chapter 822-4, a developer may request a density bonus under this section and may request incentives or concessions pursuant to Section 822-2.408.

(b) A project for which a density bonus is eligible under this section must meet at least one of the following criteria:

(1) Ten percent of the total units of a housing development must be reserved for lower income households.

(2) Five percent of the total units of a housing development must be reserved for very low income households.

(3) The housing development must be a senior citizen housing development, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5.

(4) Ten percent of the total dwelling units in a common interest development must be reserved for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.

The percentages specified above exclude any inclusionary units, exclude any density bonus awarded under this section, and exclude any density bonus awarded under Section 822-2.402.

(c) The county will grant a requested density bonus to a developer who agrees to construct a housing development that meets at least one of the criteria specified in subsection (b). The density bonus to which an applicant is entitled under this section will be calculated in accordance with Government Code Section 65915(g), unless an applicant elects to accept a lesser percentage of density bonus. For purposes of calculating the amount of the density bonus under this section, the applicant who requests a density bonus must elect whether the bonus will be awarded on the basis of subparagraph (1), (2), (3), or (4) of subsection (b) of this section.

(Ords. 2007-28 § 5, 2004-45 § 3, 2001-06 § 2).

822-2.406 Land donation density bonus.

When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land as provided for in Government Code Section 65915(h), the applicant shall be entitled to a density bonus in accordance with Government Code Section 65915(h).

(Ords. 2007-28 § 6, 2004-45 § 3, 2001-06 § 2).

822-2.408 Incentives and concessions.

The incentives or concessions to which an applicant is entitled shall be determined in accordance with Government Code Section 65915(d)(2).

(Ords. 2007-28 § 7, 2004-45 § 3, 2001-06 § 2).

822-2.410 Time periods of affordability.

(a) Low-income and very-low-income target units shall remain restricted and affordable to the designated group for thirty years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, in accordance with Government Code Section 65915(c)(1).

(b) The moderate-income units that are directly related to the receipt of the density bonus in a common interest development shall comply with the requirements of Government Code Section 65915(c)(2).

(Ords. 2007-28 § 8, 2004-45 § 3, 2001-06 § 2).

822-2.412 Determining affordability.

In determining the maximum affordable rent or affordable sales price of target units, the following household and unit size assumptions shall be used, unless the housing development is subject to different conditions imposed by other governmental regulations:

Single-room occupancy unit (residential hotel)	75% of 1 person
0 bedroom (studio)	1 person
1 bedroom	2 persons
2 bedroom	3 persons
3 bedroom	4 persons
4 bedroom	6 persons

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.414 Child care facilities.

(a) When an applicant proposes to construct a housing development and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the county shall grant either of the following:

(1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;

(2) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(b) The county will require, as a condition of approving the development with a child care facility, that the following occur:

(1) The child care facility shall remain in operation for a period of time that is as long as or longer than the longest period of time during which the density bonus units are required to remain affordable pursuant to Section 822-2.410.

(2) Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or moderate income households pursuant to Section 822-2.402.

(Ords. 2004-45 § 3, 2001-06 § 2).

Article 822-2.6. Review

822-2.602 Applications.

(a) An applicant may submit a written proposal for the specific concessions or incentives that the applicant requests. The county will grant the concession or incentive requested by the applicant unless the county makes a written finding pursuant to Government Code Section 65915(d).

(b) If existing development or zoning standards, including, but not limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements, would otherwise inhibit the utilization of a density bonus on a specific site, an applicant may submit a written proposal for the waiver or reduction of

those standards. A written proposal under this subsection must show that the waiver or modification is necessary to make the housing development economically feasible as provided in subsections (e) and (f) of Government Code Section 65915. For purposes of this chapter, any waiver or modification to the requirements of the involved zoning district shall not be considered a variance. The county is not required to waive or reduce development standards if, pursuant to Government Code Section 65915(e), the waiver or reduction would have a specific adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(Ords. 2007-28 § 9, 2004-45 § 3, 2001-06 § 2).

822-2.604 Processing.

(a) An application made pursuant to this chapter is considered to be a component of a housing development application and will be processed pursuant to Section 26-2 of this code.

(b) A housing development application that contains a request for concessions or incentives must include the specific concessions or incentives requested.

(c) A housing development application that contains a request for the waiver or reduction of existing development or zoning standards must include the specific standards requested to be waived or reduced.

(d) Appeals from a decision to deny a written proposal for concessions or incentives, or from a decision to deny a written proposal for the waiver or reduction of existing development or zoning standards, are governed by Article 26-2.24 of this code. A decision by the county to deny a requested density bonus, incentive, or concession, or a decision by the county to deny a requested waiver or reduction of existing development or zoning standards, may be appealed under Article 26-2.24 separately from an appeal on a housing development application. Judicial review of a final decision to deny a requested density bonus, incentive, or concession may be had in accordance with Government Code Section 65915(d)(3). Judicial review of a final decision to deny a requested waiver or reduction of existing development or zoning standards may be had in accordance with Government Code Section 65915(e).

(Ords. 2007-28 § 9, 2004-45 § 3, 2001-06 § 2).

822-2.606 Preliminary application.

(a) An applicant proposing a housing development pursuant to this chapter may submit a preliminary application prior to the submittal of any formal request for approval of a housing development. A preliminary application should include the following information:

(1) A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed.

(2) The zoning and general plan designations and assessors parcel number(s) of the project site.

(3) A vicinity map and preliminary site plan, drawn to scale, including building footprints, preliminary elevations, driveway and parking layout.

(b) Applicants are encouraged to schedule a pre-application meeting with the director to discuss and identify potential application issues, including prospective concessions or incentives, or prospective waivers or reductions of existing development and zoning standards.

(Ords. 2007-28 § 9, 2004-45 § 3, 2001-06 § 2).

822-2.802 Time of construction.

Target units must be constructed concurrently with nonrestricted units unless the county and developer agree within the density bonus housing agreement to an alternative schedule for development.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.804 Availability.

The first target unit shall be made available for occupancy not later than the time at which the first nontargeted dwelling unit of the housing development is available for occupancy.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.806 Design.

Except as provided in Section 822-2.808, target units shall be built on-site and dispersed throughout the housing development wherever feasible. In addition, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the nontarget units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.808 Alternate location.

Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be constructed and operated at an alternative development site. In appropriate cases, the developer and the county may enter into a written agreement to permit target units to be constructed and operated at a designated alternative development site. The resulting developments shall be considered a single housing development for purposes of this chapter. Under these circumstances, when the target units are to be provided on the alternative site, the developer is subject to the same requirements of this chapter.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.810 Compliance.

Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this chapter.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.1002 Execution of agreement.

(a) Applicants or developers requesting a density bonus shall sign a density bonus housing agreement. The agreement shall be in a form provided by the director. The director shall submit the proposed agreement to the board of supervisors for approval on behalf of the county.

(b) Following execution of the agreement, the completed density bonus housing agreement will be recorded. The conditions from the agreement shall be filed and recorded on the parcel or parcels designated for the construction of target units. The approval and recordation shall take place before final map approval, or, where a map is not being processed, before the issuance of building permits for parcels with target units. The density bonus housing agreement shall be binding on all future owners and successors in interest and shall so provide in its terms.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.1004 Condition of approval.

A density bonus housing agreement shall be made a condition of approval for all housing development projects that receive a density bonus.

(Ords. 2004-45 § 3, 2001-06 § 2).

822-2.1006 Terms in agreement.

The density bonus housing agreement shall include the following information:

(a) The total number of units approved for the housing development, including the number of target units.

(b) A description of the affordability and occupancy restrictions for the target units (i.e., very low-income households, lower-income households, moderate income households, or qualifying residents), including the standards for determining the corresponding affordable rent or affordable sales price and housing cost.

(c) The location, unit sizes (in square feet), and number of bedrooms of all units in the development, including the target units.

(d) Term of use restrictions specified in Section 822-2.410.

(e) A schedule of completion and occupancy of all units in the development, including the target units.

(f) A description of all concessions or incentives.

(g) If applicable, tenure of use restrictions and attendance restrictions for child care facilities, in accordance with Section 822-2.414(b).

(h) A description of remedies for breach of the agreement by either party.

(i) Other provisions to ensure implementation and compliance with this chapter.

(Ords. 2007-28 § 10, 2004-45 § 3, 2001-06 § 2).

822-2.1008 For sale housing development terms.

In the case of for-sale housing developments, the density bonus housing agreement shall provide for the following terms governing the initial sale and use of target units during the applicable tenure of use restriction period:

(a) Target units shall, upon initial sale, be sold at an affordable sales price and housing cost to eligible very low income households, lower income households, moderate income households, or qualified residents (i.e., maintained as senior citizen housing) as defined by this chapter.

(b) Target units shall be owner-occupied initially by eligible very low or lower income households, or by moderate income households in the case of common interest developments, or by qualified residents in the case of senior citizen housing.

(c) The initial purchaser of each target unit shall execute an instrument or agreement in the form of a deed restriction approved by the director restricting the sale of the target unit in accordance with the provisions of this chapter during the applicable tenure of use restriction period. This deed restriction shall be recorded against the parcel containing the target unit and shall contain those provisions that the director may require to ensure continued compliance with this chapter and statutory requirements and to put subsequent purchasers on notice of the conditions and terms during the applicable use restriction period.

(d) In the case of common interest developments, the density bonus housing agreement shall include an equity-sharing agreement that complies with Government Code Section 65915(c)(2).

(Ords. 2007-28 § 11, 2004-45 § 3, 2001-06 § 2).

822-2.1010 Rental housing development terms.

In the case of rental housing developments, the density bonus housing agreement shall include the following terms and conditions governing the use of target units during the use restriction period:

(a) The methodology and procedures for qualifying tenants as very low income households, lower income households, moderate income households, or qualified resident households; for establishing affordable rent; for filling vacancies; and for maintaining target units for qualified tenants.

(b) Provisions requiring owners of the rental housing developments to verify tenant incomes and rents, and maintain books and records in a form approved by the director, to demonstrate compliance with this chapter.

(c) Provisions requiring owners of the rental housing developments to submit an annual report to the director. The report must include the name, address, household size, and income of each person occupying target units identify the number of bedrooms and monthly rent or cost (including utility allowance) of each target unit. Tenants in rental housing developments shall provide consent to the owners to allow these disclosures.

(Ords. 2004-45 § 3, 2001-06 § 2).

Chapter 822-4 INCLUSIONARY HOUSING

Article 822-4.2. General

822-4.202 Title.

This chapter is known and may be cited as the Contra Costa County inclusionary housing ordinance.

(Ord. 2006-43 § 2).

822-4.204 Purpose and intent.

The purpose of this chapter is to facilitate the development and availability of housing affordable to a broad range of households with varying income levels within the county. It is intended in part to implement state policy declaring that local governments have a responsibility to exercise their powers to facilitate the development of housing necessary to adequately provide for the housing needs of all economic segments of the community. The goal of this chapter is to ensure that affordable housing units are added to the county's housing stock in proportion to the increase in new housing units in the county, in accordance with Goal 3 of the housing element of the county general plan.

(Ord. 2006-43 § 2).

822-4.206 Definitions.

For purposes of this chapter, the following terms have the following meanings:

(a) "Affordable rent" means a rent, including a reasonable utility allowance as determined by the conservation and development director or designee, for a rental inclusionary unit that does not exceed the following calculations pursuant to Health and Safety Code Section 50053:

(1) For extremely low income households, the product of thirty percent times thirty percent of the area median income adjusted for family size appropriate for the unit.

(2) For very low income households, the product of thirty percent times fifty percent of the area median income adjusted for family size appropriate for the unit.

(3) For lower income households with gross incomes that exceed the maximum income for very low income households, the product of thirty percent times sixty percent of the area median income adjusted for family size appropriate for the unit.

(4) For moderate income households, the product of thirty percent times one hundred ten percent of the area median income adjusted for family size appropriate for the unit.

(b) "Affordable sales price" means a sales price at which very low, lower, or moderate income households can afford to purchase an inclusionary unit. An affordable sales price is determined using the housing affordability calculator published annually by the state department of housing and community development. An affordable sales price includes a reasonable down payment and results in an affordable housing cost, as described in California Code of Regulations, Title 25, Section 6920, that does not exceed the following calculations pursuant to Health and Safety Code Section 50052.5:

(1) For extremely low income households, the product of thirty percent times thirty percent of the area median income adjusted for family size appropriate for the unit.

(2) For very low income households, the product of thirty percent times fifty percent of the area median income adjusted for family size appropriate for the unit.

(3) For lower income households with gross incomes that exceed the maximum income for very low income households, the product of thirty percent times seventy percent of the area median income adjusted for family size appropriate for the unit.

(4) For moderate income households, the product of thirty-five percent times one hundred ten percent of the area median income adjusted for family size appropriate for the unit.

(c) "Area median income" means the median gross yearly income, adjusted for household size, for households in Contra Costa County as published and periodically updated by the state department of housing and community development pursuant to Health and Safety Code Section 50093(c).

(d) "Assumed household size" means a household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

(e) "Developer" means any person or combination of persons that seeks county approvals for all or part of a residential development.

(f) "Dwelling unit" means a building of portion thereof that is designed, intended, or used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. For purposes of this chapter, "dwelling unit" does not include an accessory dwelling unit.

(g) "Extremely low income household" means a household whose income does not exceed the extremely low income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the state department of housing and community development pursuant to Health and Safety Code Section 50106.

(h) "For-sale unit" means a single-family detached dwelling unit or a dwelling unit in a multifamily residential development that will be offered for sale, not for rent.

(i) "Inclusionary housing agreement" means a legally binding agreement between a developer and the county setting forth the provisions necessary to ensure that the requirements of this chapter are satisfied.

(j) "Inclusionary unit" means a rental unit that is required to be rented at an affordable rent or a for-sale unit that is required to be sold at an affordable sales price to the households specified in Section 822-4.402.

(k) "Lower income household" means a household whose income does not exceed the lower income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the state department of housing and community development pursuant to Health and Safety Code Section 50079.5.

(l) "Market rate unit" means a dwelling unit whose sales price or rent is not restricted under this chapter.

(m) "Moderate income household" means a household whose income does not exceed the moderate income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the state department of housing and community development pursuant to Health and Safety Code Section 50093.

(n) "Rental unit" means a single-family detached dwelling unit or a dwelling unit in a multifamily residential development that will be offered for rent, not for sale.

(o) "Residential development" means any development project that includes the construction of one or more dwelling units, including, but not limited to, exclusively residential projects and mixed-use projects. "Residential development" also includes any condominium conversion pursuant to Division 926 of this code.

(p) "Very low income household" means a household whose income does not exceed the very low income limits applicable to Contra Costa County adjusted for household size, as published and periodically updated by the state department of housing and community development pursuant to Health and Safety Code Section 50105.

(Ord. No. 2022-07 § II, 2-1-22; Ord. 2006-43 § 2).

822-4.208 Applicability.

This chapter applies to all residential developments in the unincorporated area of the county, except those that are exempt under Section 822-4.408.

(Ord. 2006-43 § 2).

Article 822-4.4. Requirements

822-4.402 Inclusionary unit requirement.

(a) In a residential development of five through one hundred twenty-five rental units, at least fifteen percent of the rental units shall be developed and rented as inclusionary units under the terms and conditions of Section 822-4.410(a). At least twenty percent of the inclusionary units shall be rented at an affordable rent to very low income households, and the remaining inclusionary units shall be rented at an affordable rent to lower income households. As an alternative to providing some or all of the inclusionary units required by this subsection, an in-lieu fee may be paid pursuant to Section 822-4.404.

(b) In a residential development of five through one hundred twenty-five for-sale units, at least fifteen percent of the for-sale units shall be developed and sold as inclusionary units under the terms and conditions of Section 822-4.410(b). At least twenty percent of the inclusionary units shall be sold at an affordable sales price to lower income households, and the remaining inclusionary units shall be sold at an affordable sales price to moderate income households. As an alternative to providing some or all of the inclusionary units required by this subsection, an in-lieu fee may be paid pursuant to Section 822-4.404.

(c) In a residential development of one hundred twenty-six or more rental units, at least fifteen percent of the rental units shall be developed and rented as inclusionary units under the terms and conditions of Section 822-4.410(a). At least twenty percent of the inclusionary units shall be rented at an affordable rent to very low income households, and the remaining inclusionary units shall be rented at an affordable rent to lower income households.

(d) In a residential development of one hundred twenty-six or more for-sale units, at least fifteen percent of the for-sale units shall be developed and sold as inclusionary units under the terms and conditions of Section 822-4.410(b). At least twenty percent of the inclusionary units shall be sold at an affordable sales price to lower income households, and the remaining inclusionary units shall be sold at an affordable sales price to moderate income households.

(e) Affordable rents will be determined annually by the county. Affordable sales prices will be estimated annually by the county. The county will provide a developer with the exact affordable sales price at least ninety days before the developer markets the unit.

(f) If the calculation of the required number of inclusionary units results in a fraction of a whole number, a partial in-lieu fee shall be paid in accordance with Section 822-4.404 for the fraction of the unit. The amount of the partial in-lieu fee shall be a percentage of the in-lieu fee for a single unit, with the percentage equal to the fraction of the whole number.

(g) The calculation of the number of inclusionary units required by this chapter shall be made without including as part of the calculation any housing units authorized by a density bonus granted pursuant to this chapter or Chapter 822-2.

(Ord. 2006-43 § 2).

822-4.404 In-lieu fee.

(a) The amount of a fee that is paid in lieu of some or all inclusionary units will be established by the board of supervisors in the department of conservation and development's fee schedule.

(b) Fee amounts in the fee schedule for for-sale units will be calculated as the difference between the affordable sales price for a targeted household and the median price, as determined by the county, of all single-family home sales in the county within the previous twelve months.

(c) Fee amounts in the fee schedule for rental units will be calculated as the difference over a fifty-five-year period between the average annual rent, as determined by the county, of a two-bedroom, one-and-a-half-bathroom apartment in the county and the annual affordable rent for a targeted household.

(d) Fee amounts in the fee schedule will be calculated annually.

(e) All fee revenues will be deposited in a restricted fund earmarked to provide housing opportunities for extremely low, very low, lower, and moderate income households.

(f) Funds will be appropriated for expenditures authorized by law that make housing units affordable to extremely low, very low, lower, and moderate income households and for costs associated with administering the restricted fund.

(g) In-lieu fees are non-refundable and shall be paid before the first building permit is issued for any portion of the residential development.

(Ord. No. 2022-07 § III, 2-1-22; Ord. 2006-43 § 2).

822-4.406 Alternative methods of compliance.

A developer may submit a proposal for complying with this chapter by proposing one or more of the following compliance alternatives:

(a) Off-Site Development. Some or all of the required inclusionary units may be constructed off-site, or an existing off-site development may be acquired and rehabilitated to provide some or all of the required inclusionary units, if the county determines that the combination of location, unit size, unit type, pricing, and timing of availability of the proposed off-site inclusionary units would provide equivalent or greater benefit than would result from providing those inclusionary units on-site, or if the county determines that on-site construction of those inclusionary units would be infeasible. Any off-site inclusionary units must be constructed or rehabilitated prior to or concurrently with construction of the on-site residential development. The off-site development location must be appropriately zoned and all required entitlements issued for the off-site development alternative before building permits are issued for the on-site residential development. The off-site development location should be within a reasonable geographic distance of the on-site residential development, such as within the same school district or identified community, unless otherwise directed by the board of supervisors.

(b) Land Conveyance. The developer may convey title to land in fee simple absolute to an affordable housing developer if all of the following requirements have been met:

(1) The affordable housing developer has been approved by the county.

(2) The land is at a location in the county where the county permits residential use at a density that will result in the same or greater number of inclusionary units than would be produced by providing the units on-site.

(3) The land is suitable for construction of inclusionary units in a manner that complies with this chapter. The land must be suitable from the perspective of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria.

(4) The land is served with the infrastructure necessary for residential development at that location, including sewer, utilities, water, streets and sidewalks.

(5) The developer must submit a Phase I environmental report before the land can be considered for conveyance.

(c) The county may accept any combination of on-site construction, off-site construction, in-lieu fees and land conveyance, or any other feasible alternative, that in the county's determination would provide equivalent or greater benefit than that which would result from providing on-site inclusionary units.

(d) Two or more developers of separate residential developments required to comply with this chapter may propose to meet their combined then-existing obligations under this chapter by doing any of the following:

(1) Providing the total number of inclusionary units required of all developers at one residential development;

(2) Crediting inclusionary units in excess of the number required at one residential development toward the number of inclusionary units required at another residential development;

(3) Jointly providing a combination of feasible alternatives consistent with subsection (c) of this section.

Two or more developers may proceed under this subsection only if the county determines the proposal would result in equivalent or greater benefit than the benefit resulting from providing on-site inclusionary units at separate residential developments. When two or more developers propose to proceed under this subsection, each developer must submit an inclusionary housing plan pursuant to Section 822-4.414 and enter into or amend an inclusionary housing agreement pursuant to Section 822-4.416.

(Ord. 2006-43 § 2).

822-4.408 Exemptions.

(a) The following residential developments are exempt from the requirements of this chapter:

(1) Residential developments of one through four dwelling units.

(2) The reconstruction of any dwelling units that were destroyed by fire, flood, earthquake, or other act of nature, provided the square footage, number of units, and use of the units remain the same and the use is resumed within six months of the interruption.

(3) Residential developments that obtain one of the following before November 23, 2006:

(A) A discretionary approval.

(B) A building permit.

(4) A community care facility as defined in Health and Safety Code Section 1502.

(5) Residential developments that are exempt from the requirements of this chapter pursuant to State law, including, but not limited to, the following:

(A) Residential developments that obtain a vesting tentative map before the effective date of the ordinance codified in this chapter, provided the vesting tentative map has not expired.

(B) Residential developments where the application for a tentative map has been deemed complete by the county before the effective date of the ordinance codified in this chapter.

(b) A residential development that is located in or proposed for a former county redevelopment area is exempt from the provisions of this chapter, if the development is subject to a successor agency disposition and development agreement, owner participation agreement, acquisition agreement or other written agreement that requires affordable housing to be produced in the development, or if the development is subject to a condition of approval requiring affordable housing to be provided in the former county redevelopment area.

(Ord. No. 2022-07 § IV, 2-1-22; Ord. 2006-43 § 2).

822-4.410 Restrictions.

(a) Rental Inclusionary Unit Restriction. The monthly rent for a rental inclusionary unit shall remain reserved for the targeted households at the applicable affordable rent for a period of fifty-five years.

(b) For-Sale Inclusionary Unit Restrictions.

(1) The initial sale of a for-sale inclusionary unit shall occur only to a household that meets all of the following:

(A) The household's annual income does not exceed the maximum income limits applicable to the targeted household for the inclusionary unit.

(B) The household has not owned a residence within the previous three years.

(C) The household has no more than two hundred fifty thousand dollars in assets. This amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and assets in medical savings accounts.

(2) The initial purchaser of a for-sale inclusionary unit must agree to occupy the dwelling unit as the principal residence for at least three years, unless an emergency requires the earlier sale of the unit.

(3) A for-sale inclusionary unit may be sold after the initial sale to an above-moderate income purchaser and at a market price, provided that the sale results in a recapture by the county of a financial interest in the unit equal to the sum of:

(A) The difference between the initial affordable sales price and the appraised market value of the unit at the time of the initial sale; and

(B) The county's proportionate share of any appreciation since the time of the initial sale. Appreciation is the difference between the resale price to the above-moderate income purchaser and the appraised market value at the time of the initial sale. The county's proportionate share of appreciation is equal to the percentage by which the initial affordable sales price was less than the appraised market value at the time of the initial sale.

(4) All recaptured amounts under subsection (3) will be deposited in a restricted fund established pursuant to Section 822-4.404.

(Ord. No. 2022-07 § V, 2-1-22; Ord. 2006-43 § 2).

822-4.412 Standards.

(a) Inclusionary units must be dispersed throughout the residential development and have access to all on-site amenities that are available to market rate units.

(b) The construction quality and exterior design of inclusionary units must be comparable to the market rate units. However, an inclusionary unit may:

(1) Be smaller in size by up to ten percent when compared to the average size of market rate units in the development that have the same number of bedrooms as the inclusionary unit.

(2) Be developed on smaller lots of up to ten percent when compared to the average lot size of market rate units in the development that have the same number of bedrooms as the inclusionary unit.

(3) Have alternative interior finishes that reduce interior construction costs by up to five percent when compared to the average interior construction cost of market rate units in the development that have the same number of bedrooms as the inclusionary unit.

(c) The average number of bedrooms for all inclusionary units must be equivalent to the average number of bedrooms for market rate units within the same residential development.

(d) All inclusionary units must be constructed and occupied prior to or concurrently with the market rate units within the same residential development. For phased residential developments, the inclusionary units may be constructed and occupied in proportion to the number of dwelling units in each phase of the project.

(Ord. No. 2022-07, § VI, 2-1-22; Ord. 2006-43 § 2).

822-4.414 Review.

(a) Concurrently with a developer's first application for a discretionary approval for a residential development, the developer shall submit to the Department of Conservation and Development an inclusionary housing plan for review.

(b) An inclusionary housing plan must include all of the following information:

(1) A brief description of the residential development, including the number of market rate units and inclusionary units proposed, and the basis for the calculation of the number of units.

(2) The unit mix, location, structure type, and size (including number of bedrooms) of the market rate and inclusionary units. A site plan depicting the location of the inclusionary units must be provided.

(3) The targeted household income levels of the inclusionary units.

(4) For a phased project, a phasing plan that provides for the timely development of the inclusionary units as the residential development is built out.

(5) Any proposed density bonus and a description of any incentives requested of the county.

(6) If the developer intends to satisfy the inclusionary unit requirement by payment of an in-lieu fee, a statement to that effect, and a calculation of the total in-lieu fee payment required.

(7) If an alternative compliance method is proposed, information sufficient to allow the county to determine either that on-site construction of inclusionary units is infeasible or that an alternative method of compliance could provide equivalent or greater benefit than would result from providing those inclusionary units on-site.

(c) The department of conservation and development will accept as complete or reject as incomplete the inclusionary housing plan within thirty days of receiving the proposed inclusionary housing plan.

(d) An application for a discretionary approval of the residential development will not be deemed complete for processing until after the inclusionary housing plan has been accepted as complete. Preliminary approval of the inclusionary housing plan is required prior to any discretionary approval of the residential development.

(e) The conservation and development director will approve the inclusionary housing plan if the plan complies with the requirements of this chapter. If the director denies the inclusionary housing plan, the director will notify the developer in writing of the reasons for denial. Approval of the inclusionary housing plan is required prior to any discretionary approval of the residential development.

(Ord. No. 2022-07 § VII, 2-1-22; Ord. 2006-43 § 2).

822-4.416 Inclusionary housing agreements.

(a) All developers whose projects are not exempt under Section 822-4.408 shall enter into an inclusionary housing agreement with the county, except where the requirements of this chapter are satisfied by payment of an in-lieu fee. The agreement must be in a form provided by the department of conservation and development.

(b) All inclusionary housing agreements will include, at a minimum, the following information:

(1) The number of for-sale units and rental units.

(2) The number, size, location, and square footage of inclusionary units.

(3) Provisions for determining the market value and sales price or rental price of the inclusionary units.

(4) Incentives, if any.

(5) Provisions and documents for enforcing the restrictions established by Section 822-4.410, including deed restrictions in a form acceptable to the county.

(6) Provisions for determining income eligibility and monitoring the ongoing affordability of inclusionary units.

(7) Provisions for enforcing the construction and occupancy standards specified in Section 822-4.412(d). These provisions may include withholding approval of permits for any structure or property located within the residential development.

(8) If an alternative compliance method has been proposed, provisions for implementation and enforcement of that method, consistent with Section 822-4.406.

(9) Provisions requiring annual compliance reporting to the department of conservation and development during the term of the inclusionary housing agreement.

(c) The inclusionary housing agreement must be executed before the approval of the final map or the issuance of the first building permit for any portion of the residential development, whichever occurs first. Following execution, the agreement will be recorded as a covenant running with the land against the real property of the residential development.

(Ord. No. 2022-07 § VIII, 2-1-22; Ord. 2006-43 § 2).

822-4.418 Incentives.

(a) For any project where inclusionary units are required by this chapter, a developer may request a density bonus for providing the required inclusionary units. The developer may request a density bonus in an amount equal to or less than fifteen percent of the total units in the development, including the inclusionary units provided in the development. A developer who requests a density bonus for providing inclusionary units is entitled to a density bonus in the requested amount, up to the maximum fifteen percent. A developer is not entitled to any incentives or concessions under Chapter 822-2, except for incentives that may otherwise be granted pursuant to subsection (c) of this section.

(b) If a project includes moderate income, lower income, very low income, or senior housing units at levels beyond those required by this chapter, a developer may request a density bonus under Section 822-2.404 and may request incentives or concessions under Section 822-2.408. If requested under this subsection, the density bonus to which a developer is entitled will be calculated in accordance with subsection (d) of Section 822-2.404.

(c) The county may grant one or more of the following affordable housing development incentives in order to mitigate the financial impact of this chapter's requirements on a particular residential development:

(1) Fee deferrals or waivers.

(2) Provision of housing set-aside funds, tax exempt financing, or other financial assistance.

(3) Modification of zoning or development standards.

(Ords. 2007-28 § 12, 2006-43 § 2).

822-4.420 Compliance monitoring fee.

(a) The county may establish a compliance monitoring fee to recover the county's reasonable costs incurred for ongoing implementation of this chapter. The fee will be an amount established by the board of supervisors in the community development department's fee schedule.

(b) For for-sale inclusionary units, the fee shall be payable by the developer at the time of the first sale. For rental inclusionary units, the property owner shall pay an annual fee each year during the term of the applicable inclusionary housing agreement.

(Ord. 2006-43 § 2).

822-4.422 Taking determination.

The county may adjust or waive the requirements of this chapter if the applicant for approval of a residential development demonstrates the absence of any reasonable relationship or nexus between the impact of the development and either the amount of the fee charged or the inclusionary requirement, thereby effecting a taking of private property without just compensation or otherwise constituting a violation of the United States Constitution, California Constitution, or other applicable federal or state laws. Any person requesting a waiver or adjustment must submit a written request not later than fifteen days before the first public hearing on any discretionary approval for the residential development, accompanied by economic information and other evidence necessary for the county to make a determination regarding the request. If no discretionary approval is required or the action complained of occurs after the first public hearing on such approval, then the request shall be filed within ten days after the challenged action. Authority to act on a request for a waiver or adjustment rests with the board of supervisors.

(Ord. 2006-43 § 2).

Division 824 Agritourism

Chapter 824-2 GENERAL AGRITOURISM REGULATIONS

824-2.002 Purpose and intent.

The purpose of this division is to establish zoning regulations to allow for a variety of agritourism uses in agricultural zoning districts. Agritourism uses are uses that are located at a working farm, ranch, or other agricultural operation; are accessory to a primary agricultural use; are conducted for the enjoyment and education of visitors, guests, or clients; and generate income for the owner or operator of the working farm, ranch, or other agricultural operation.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.004 Definitions.

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

(a) "Agricamping establishment" means an establishment that provides food and lodging in accordance with this division.

(b) "Agritourism lodging establishment" means a residence in an agricultural zoning district that is used as a bed and breakfast establishment or a farm stay establishment.

(c) "Agritourism use" means any of the following uses located in an agricultural zoning district: agricamping; agritourism lodging establishment; farm dinner; farm market; farm stand; farm-to-table restaurant; grower stand; olive oil mill; or winery.

(d) "Bed and breakfast establishment" means an establishment that provides food and lodging in accordance with this division.

(e) "Farm dinner" means an occasion where food is provided in accordance with this division.

(f) "Farm market" means an area accessory to an on-site agricultural operation that is used to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed three thousand five hundred square feet.

(g) "Farm product" includes any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.

(h) "Farm stand" means an area accessory to an on-site agricultural operation that is used primarily to sell farm products, value-added farm products, and non-agricultural items, as specified, where the total sales area does not exceed one thousand five hundred square feet.

(i) "Farm stay establishment" means an establishment that provides food and lodging in accordance with this division.

(j) "Farm-to-table restaurant" means a restaurant that provides food in accordance with this division.

(k) "Grower stand" means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site or proximate to the site, as specified, where the total sales area does not exceed one thousand five hundred square feet.

(l) "Non-agricultural item" means any item offered for sale other than farm products and value-added farm products.

(m) "Olive oil mill" means an operation for the processing of olives into olive oil. An olive oil mill may be a small olive oil mill or a large olive oil mill.

(n) "Olive oil production facility" means a facility or facilities at an olive oil mill used for any of the following activities or uses: harvesting, milling, pressing, and crushing fresh olives; extraction and blending of olive oil; bottling and labeling of olive oil; storage of olive oil; laboratory facilities; administrative offices; shipping, receiving, and distribution of olive oil; equipment storage and repair; composting and removal of olive pomace and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at an olive oil mill is not part of the olive oil production facility at the olive oil mill.

(o) "Responsible party" means a person that is designated by the applicant as a point of contact for the agritourism use.

(p) "Value-added farm product" means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.

(q) "Wine production facility" means a facility or facilities at a winery used for any of the following activities or uses: crushing or pressing grapes; fermenting wine; aging wine; processing and blending of wine; bottling and labeling of wine; storage of wine in cellars, vats, barrels, bottles, or cases; laboratory facilities; administrative offices; shipping, receiving, and distribution of wine; truck scales; equipment storage and repair; composting of grape byproducts and other agricultural product waste, and agricultural wastewater treatment. A tasting area or on-site sales area at a winery is not part of the wine production facility at the winery.

(r) "Winery" means an operation for the fermentation and processing of grapes into wine, or the refermentation of still wine into sparkling wine. A winery may be a small winery or a large winery.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.006 Location.

(a) An agritourism use that complies with the provisions of this division may be located on any legal lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80).

(b) Multiple agritourism uses may be permitted on the same lot, except as follows:

(1) A farm stay establishment and a bed and breakfast establishment may not be permitted on the same lot.

(2) A farm dinner and a farm-to-table restaurant may not be permitted on the same lot.

(3) A farm market and a farm stand may not be permitted on the same lot.

(4) A farm market and a grower stand may not be permitted on the same lot.

(5) A farm stand and a grower stand may not be permitted on the same lot.

(6) A small olive oil mill and a large olive oil mill may not be permitted on the same lot.

(7) A small winery and a large winery may not be permitted on the same lot.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.008 Accessory use.

An agritourism use is allowed only if it is an accessory use on a property that is used for agriculture, as defined in Section 82-4.206. If property is located in an agricultural zoning district but the property is not used for agriculture, then no agritourism use is allowed on the property.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.010 Parking.

(a) Adequate parking for consumers and employees must be provided at an agritourism use. If an agritourism use consists of a structure, one off-street parking space must be provided for each three hundred square feet of structural floor area, with a minimum of two parking spaces. Each required off-street parking space must be at least nine feet by nineteen feet in size. The required parking spaces may be dirt or gravel. The required parking spaces need not be paved, striped, or otherwise improved, but must be identifiable. Parking spaces must be oriented such that vehicles are not required to back onto a public road.

(b) Safe access to and from a public road must be provided with a durable, dustless surface, such as compacted gravel or a similar permeable surface, or asphalt, except that within twenty feet of a public road all access surfaces must be asphalt. A defined point of ingress and egress must be provided. An encroachment permit must be obtained for a new point of access to a public road.

(c) The parking requirements of Chapter 82-16 do not apply to this division.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.012 Signs.

(a) One or more on-site commercial signs are allowed on a lot with an agritourism use. An "on-site commercial sign" is a sign that directs attention to the business activity conducted or products sold or produced on the lot where the agritourism use is located.

(b) The following on-site commercial signs may be located on a lot with an agritourism use:

(1) One free-standing on-site commercial sign that does not exceed twelve feet in height or the height of the tallest structure, whichever is lower, and whose total display surface area does not exceed thirty-two square feet if the sign is single-sided or sixty-four square feet if the sign is double-sided.

(2) Additional on-site commercial signs that are affixed directly to any structure with an indoor sales area.

(3) One or more additional free-standing on-site commercial signs. No additional free-standing sign shall exceed twelve feet in height or have a display surface area greater than sixteen square feet.

(c) The total display surface area of all on-site commercial signs on a lot with an agritourism use shall not exceed 128 square feet.

(d) An on-site commercial sign may not encroach on any public right-of-way and may not conflict with any applicable sight distance.

(e) An on-site commercial sign may not be illuminated unless expressly authorized by a land use permit. All illuminated signs shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent

properties, public rights-of-way, and driveway areas. The land use permit may include conditions as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(f) All signs and sign structures shall be maintained in a safe and structurally sound manner free from deterioration, rust, rot, and loose parts. Each sign face must be clean and neatly painted at all times.

(g) A temporary on-site commercial sign must be removed when not in use.

(h) An on-site commercial sign or signs authorized by this division may contain noncommercial copy in lieu of other copy. Nothing in this division may be construed as regulating or restricting the use of noncommercial copy or message on any sign allowed under this section.

(i) If an agritourism use is lawfully established under the provisions of this division, on-site commercial signs that meet the requirements of this section are allowed without a separate permit.

(j) Off-site commercial signs are prohibited on a lot with an agritourism use. An "off-site commercial sign" is an advertising sign that directs attention to a business activity conducted or product or services sold or offered at a location not on the lot where the agritourism use is located.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.014 Height and setbacks.

An agritourism use must comply with the height and setback requirements that apply in the zone in which the property is located.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.016 Events.

Except as otherwise provided in this division, the requirements of Chapter 82-44, Temporary Events, apply to uses authorized under this division.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.018 Permits.

(a) No permit. No permit is required under this division for a grower stand that meets the standards contained in this division.

(b) Ministerial permit.

(1) Unless a land use permit is otherwise required by subsection (c), below, a ministerial permit is required before any of the following uses may be established under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

(2) An application for a ministerial permit must be made in writing and contain sufficient information to allow the Department of Conservation and Development to determine if the agritourism use will meet the standards in this division.

(3) An application for a ministerial permit will be approved without discretionary review or public hearing unless any of the following grounds for denial exist:

(A) The application is incomplete.

(B) The applicant has not paid all required fees in accordance with the fee schedule adopted by the Board of Supervisors.

(C) The applicant is delinquent in the payment of County taxes.

(D) A separate agritourism use permit associated with the location or the applicant was revoked within twenty-four months before the date of application.

(E) A structure proposed for an agritourism use violates any provision of this code, including the building standards in Title 7.

(4) After a ministerial permit for farm stay or farm dinner is issued, the department will notify all owners of property within three hundred feet of the farm stay or farm dinner that a permit was issued. The notice will be in writing and contain the location of the farm stay or farm dinner, contact information for the responsible party associated with the permit, contact information for county code enforcement, and a website address where the agritourism ordinance is listed.

(5) A ministerial permit for farm stay or farm dinner expires one year from the date the permit was approved, unless it is revoked sooner.

(6) An application to renew a ministerial permit for farm stay or farm dinner must be filed with the Department of Conservation and Development at least thirty days before the permit expires.

(7) An application to renew a ministerial permit for farm stays or farm dinners will be approved ministerially unless any of the following grounds for denial exist:

(A) Any of the grounds for denial under subsection (3) exist.

(B) The application is filed less than thirty days before the permit expires.

(C) The permit is revoked or is the subject of a revocation proceeding at the time of application.

(8) A short-term rental proposed for an agricultural zoning district must comply with the permit requirements of Chapter 88-32.

(c) Land use permit.

(1) A land use permit is required before three or more of the following uses may be established on a lot under this division: farm stand; farm stay; farm dinner; small winery without a tasting/on-site sales area; or small olive oil mill without a tasting/on-site sales area.

(2) A land use permit is required before any of the following uses may be established under this division: agricamping; bed and breakfast; farm market; farm-to table- restaurant; large olive oil mill; large winery; small olive oil mill with a tasting/on- site sales area; or small winery with a tasting/on-site sales area.

(3) An application to establish a land use permit under this division must contain all of the information required by Article 26-2.20 of this code.

(4) An application for a land use permit under this division will be decided in accordance with Article 26-2.20 of this code.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.020 Fees.

Application, review, and permit fees for agritourism uses will be in amounts established by the Board of Supervisors in the Conservation and Development Department's fee schedule.

(Ord. No. 2024-06, § 2, 3-5-24)

824-2.022 Other laws.

Agritourism uses also may be subject to ordinances, statutes and regulations administered by other county departments, including the building department, health department, public works department, and agricultural commissioner's office, and may be subject to state and federal laws and regulations. The establishment of an agritourism use under this division does not relieve anyone from the obligation to obtain any other permit or license required by this code or state or federal law. Nothing in this division authorizes the establishment of a microenterprise home kitchen operation.

(Ord. No. 2024-06, § 2, 3-5-24)

Chapter 824-4 GROWER STANDS, FARM STANDS, AND FARM MARKETS

824-4.002 Purpose and intent.

The purpose of this chapter is to establish zoning regulations to allow for the direct marketing of farm products from agricultural producers to consumers, which the California Legislature has found benefits the agricultural community and the consumer. (Food and Agricultural Code, sections 47000 and following.) This chapter is intended to allow facilities that are accessory to on-site agricultural operations where agricultural products are produced to sell these products as specified, and is not intended to encourage the establishment of traditional retail stores or convenience markets in agricultural zoning districts.

(Ord. No. 2024-06, § 2, 3-5-24)

824-4.004 Sales areas.

(a) A grower stand, farm stand, or farm market may consist of one or more outdoor sales display areas, one or more structures with an indoor sales area, or both.

(b) The total sales area of a grower stand or farm stand, including all outdoor and indoor sales areas, may not exceed one thousand five hundred square feet.

(c) The total sales area of a farm market, including all outdoor and indoor sales areas, may not exceed three thousand five hundred square feet.

(Ord. No. 2024-06, § 2, 3-5-24)

824-4.006 Product sales.

(a) Grower Stands.

(1) A grower stand may sell farm products produced on-site or proximate to the site. Vending machines that dispense bottled or canned drinks may also be located at a grower stand.

(2) The sale at a grower stand of any of the following is prohibited: value-added farm products; non-agricultural items, except for bottled or canned drinks dispensed from vending machines; and farm products not produced on-site or proximate to the site.

(b) Farm Stands.

(1) A farm stand may sell farm products produced on-site or proximate to the site.

(2) Up to forty percent of the total sales area at a farm stand may be used for the sale of any or all of the following: value-added farm products produced on-site or proximate to the site; farm products not produced on-site or proximate to the site; and non-agricultural items. No more than ten percent of the total sales area of a farm stand may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(c) Farm Markets.

(1) A farm market may sell farm products produced on-site or proximate to the site and value-added farm products produced on-site or proximate to the site.

(2) Up to twenty percent of the total sales area at a farm market may be used for the sale of either or both of the following: non-agricultural items and farm products not produced on-site or proximate to the site.

(d) No petroleum products or tobacco may be sold or dispensed at any grower stand, farm stand, or farm market.

(e) Except as otherwise provided in this division, nothing may be sold from a motorized vehicle at any grower stand, farm stand, or farm market unless the vehicle is owned by the property owner and all sales from the vehicle are in compliance with this chapter.

(Ord. No. 2024-06, § 2, 3-5-24)

Chapter 824-6 WINERIES AND OLIVE OIL MILLS

824-6.002 Accessory facilities.

(a) Production Facilities. The cumulative maximum floor area of all wine production facilities at a winery or all olive oil production facilities at an olive oil mill is five thousand square feet.

(b) Tasting/On-Site Sales Areas. The cumulative maximum floor area of all tasting areas and on-site sales areas at a winery or olive oil mill is thirty percent of the total floor area of all wine production facilities at the winery or olive oil production facilities at the olive oil mill.

(Ord. No. 2024-06, § 2, 3-5-24)

824-6.004 Production standards.

(a) Production Capacity.

(1) Wineries. A small winery may produce no more than fifty thousand gallons of wine annually. A large winery may produce more than fifty thousand gallons of wine annually.

(2) Olive Oil Mills. A small olive oil mill may produce no more than fifty thousand gallons of olive oil annually. A large olive oil mill may produce more than fifty thousand gallons of olive oil annually.

(b) Production Ingredients.

(1) A minimum of twenty-five percent of a winery's production or an olive oil mill's production must be from fruit grown on the premises.

(2) A minimum of fifty percent of a winery's production or an olive oil mill's production must be from fruit grown in Contra Costa County.

(3) The owner of a winery or olive oil mill must maintain records showing the total annual production amount from fruit grown on the premises and the amount from fruit imported from off the premises. The records must indicate the dates of receipt and the quantities of all imported fruit, and the name and location of the growing operation from which the fruit is imported.

(Ord. No. 2024-06, § 2, 3-5-24)

824-6.006 Food service.

A winery or olive oil mill may serve food as part of a wine tasting or olive oil tasting. The following standards apply to food service at a winery or olive oil mill.

(a) Food service must be incidental to the tasting of wine or olive oil.

(b) Food may not be sold separately from the wine or olive oil tasting.

(c) Food service must be limited to small appetizer-size portions with a fixed menu selected by the winery or olive oil mill. Food service may not involve menu options and meal service so that the winery or olive oil mill functions as a café or restaurant.

(d) Food service must be limited to one food sample per type of wine or olive oil.

(Ord. No. 2024-06, § 2, 3-5-24)

824-6.008 Winery permits and licenses.

In addition to all other permits and licenses required by this code, state law, and federal law, a winery must have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.

(Ord. No. 2024-06, § 2, 3-5-24)

Chapter 824-8 LODGING IN AGRICULTURAL DISTRICTS

824-8.002 Agritourism Lodging.

(a) Agritourism lodging may be provided only in a legally established residence or legally established residential accessory structure. Agritourism lodging may not be located within agricultural employee housing, seasonal or year-round farmworker housing, or accessory dwelling units.

(b) The minimum parcel size for an agritourism lodging establishment is ten acres.

(c) The owner of the land on which agritourism lodging is provided, or a tenant farmer, must reside on the property.

(d) An agritourism lodging establishment may have a maximum of five bedrooms or sleeping rooms used for lodging.

(e) The maximum overnight occupancy for agritourism lodging is two persons per bedroom or sleeping room. Children under eighteen years of age are not counted toward occupancy. The maximum number of agritourism lodging guests that may be on the premises at any one time is ten.

(f) An agricultural lodging establishment may not provide lodging to a guest for more than thirty consecutive days.

(g) Food Service.

(A) An agricultural lodging establishment may serve food or meals at any time, but only to registered guests.

(B) The price of food served at a farm stay establishment or bed and breakfast establishment must be included in the price of the lodging.

(C) No kitchen or kitchenette facilities are allowed in a guest room within an agritourism lodging establishment.

(h) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the agritourism lodging establishment is prohibited during quiet hours.

(i) Exterior lighting must be directed downward and away from adjacent properties.

(j) The operator of an agricultural lodging establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricultural lodging, including how the program will promote local agriculture and educate guests.

(l) Farm stay establishments. The following additional standard applies to farm stay establishments: the maximum number of days a farm stay establishment may host guests in a calendar year is ninety days.

(m) Bed and breakfast establishments. The following additional standards apply to bed and breakfast establishments.

(1) At least eighty percent of a parcel where a bed and breakfast establishment is located must be engaged in agricultural activities and kept free of structures.

(2) A bed and breakfast establishment may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(3) In land use districts where a bed and breakfast establishment regulated by this division would otherwise be a permitted use, it is unlawful to establish a bed and breakfast establishment if the location of the bed and breakfast establishment is within one-quarter mile of any parcel occupied by any other bed and breakfast establishment. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the bed and breakfast establishment will be established to any point on the property line of the other parcel.

(Ord. No. 2024-06, § 2, 3-5-24)

824-8.004 Agricamping.

(a) Agricamping may be provided only in camping structures, including tent cabins and yurts, or in travel trailers owned by the property owner. Camping in tents, guest-owned structures, or guest-owned travel trailers is not allowed.

(b) The minimum parcel size for an agricamping establishment is ten acres.

(c) The owner of the land on which agricamping is provided, or a tenant farmer, must reside on the property.

(d) An agricamping establishment may have a maximum of five total camping structures or travel trailers.

(e) The maximum overnight occupancy for agricamping is two persons per camping structure or travel trailer. Children under eighteen years of age are not counted toward occupancy. The maximum number of agricamping guests that may be on the premises at any one time is ten.

(f) An agricamping establishment may not provide lodging to a guest for more than thirty consecutive days.

(g) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at the agricamping establishment is prohibited during quiet hours.

(h) Exterior lighting must be directed downward and away from adjacent properties.

(i) An agricamping establishment may serve food or meals at any time, but only to registered guests. No camp stove, kitchen, or kitchenette facilities are allowed in a camping structure or travel trailer.

(j) The operator of an agricamping establishment must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the lodging.

(k) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the agricamping, including how the program will promote local agriculture and educate guests.

(Ord. No. 2024-06, § 2, 3-5-24)

Chapter 824-10 FOOD SERVICE IN AGRICULTURAL DISTRICTS

824-10.002 Farm dinners.

(a) Up to twelve farm dinners may be hosted at a property per year.

(b) The maximum number of guests at a farm dinner is thirty, except that one farm dinner with a maximum of one hundred fifty guests may be held at a property annually. A farm dinner is not an event subject to the requirements of Chapter 82-44, Temporary Events.

(c) A farm dinner may be hosted in an existing structure, outdoors on a property, on a patio, or on a deck. If a farm dinner is hosted in an existing structure, the structure must meet all building codes and fire codes that apply to the proposed number of guests.

(d) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device at a farm dinner is prohibited during quiet hours.

(e) Exterior lighting must be directed downward and away from adjacent properties.

(f) The host of a farm dinner must engage in a program of agricultural promotion and guest education regarding the agricultural activities on site and in the area. The program may include active participation in the on-site agricultural activities as part of the consideration for the farm dinner.

(g) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also describe the agricultural promotion program associated with the farm dinner, including how the program will promote local agriculture and educate guests.

(h) This section does not authorize the establishment of a microenterprise home kitchen operation. Food served at a farm dinner must be prepared in accordance with all applicable local, state, and federal laws and regulations.

(Ord. No. 2024-06, § 2, 3-5-24)

824-10.004 Farm-to-table restaurant.

(a) A farm-to-table restaurant may be established in an existing structure or in a new structure.

(b) The minimum parcel size for farm-to-table restaurant is ten acres.

(c) The maximum dining area size in a farm-to-table restaurant is one thousand five hundred square feet.

(d) The maximum dining area capacity in a farm-to-table restaurant is thirty-five guests.

(e) Excessive noise that significantly impairs the quiet enjoyment of neighboring properties is prohibited. Quiet hours during which noise must be restricted such that it cannot be heard from neighboring properties shall be between 10:00 p.m. and 7:00 a.m. the following morning. The amplification of sound by any device outside the farm-to-table restaurant is prohibited during quiet hours.

(f) Exterior lighting must be directed downward and away from adjacent properties.

(g) Unless otherwise provided in a land use permit, at least fifty percent of the fruits and vegetables served at a farm-to-table restaurant must be grown on-site. A land use permit may, based the site's agricultural activities and seasonal impacts on production, authorize a different percentage of fruits and vegetables grown on-site that must be served at the farm-to-table restaurant. At least seventy-five percent of the fruits and vegetables served at a farm- to-table restaurant must be grown within Contra Costa County.

(h) An agricultural activities and promotion plan must be submitted with the permit application. The plan must demonstrate that the primary use of the land is for agriculture by including a map of the parcel, the location of agritourism use(s), the location of any other structures, the locations and type of agricultural activities to be conducted on the parcel, and the total percentage of parcel area engaged in agricultural activities. The plan must also demonstrate how the farm-to-table restaurant will meet the percentage requirements for fruits and vegetables that must be grown on-site. The plan must also describe the agricultural promotion program associated with the farm-to-table restaurant, including how the program will promote local agriculture and educate guests.

(i) At least eighty percent of a parcel where a farm-to-table restaurant is located must be engaged in agricultural activities and kept free of structures.

(j) A farm-to-table restaurant may only be located on a lot served by a retail water supplier or within the boundaries of the East Contra Costa County Groundwater Subbasin. A "retail water supplier" is a public agency, city, county, or investor-owned water utility regulated by the state Public Utilities Commission that provides retail water service. A mutual water company is not a retail water supplier.

(k) In land use districts where a farm-to-table restaurant regulated by this division would otherwise be a permitted use, it is unlawful to establish a farm-to-table restaurant if the location of the farm-to-table restaurant is within one mile of any parcel occupied by any other farm-to-table restaurant. For the purposes of this subsection, distance is measured by the shortest line connecting any point on the property line of the parcel on which the farm-to-table restaurant will be established to any point on the property line of the other parcel.

(Ord. No. 2024-06, § 2, 3-5-24)

824-10.006 Mobile food vendors.

(a) Except as otherwise provided for in this section, a food truck or other mobile food vendor may not operate on any private parcel where an agritourism use is authorized under this division.

(b) A food truck or other mobile food vendor may operate on a private parcel where an agritourism use is authorized in any of the following circumstances:

(1) The agritourism use is a grower stand, farm stand, or farm market, and the food truck or other mobile food vendor is accessory to and only operates during the operation of the grower stand, farm stand, or farm market. Not more than three food trucks or other mobile food vendors may operate on the private parcel at the same time.

(2) A land use permit issued under this division authorizes a food truck or other mobile food vendor to operate on the private parcel.

(3) The food truck or other mobile food vendor is part of a temporary event authorized under Chapter 82-44.

(Ord. No. 2024-06, § 2, 3-5-24)

Title 9
SUBDIVISIONS[1]

Division 92. GENERAL PROVISIONS

Chapter 92-2 TITLE, PURPOSE AND SCOPE

92-2.002 Title.

This title shall be known as the "Subdivision Ordinance" of the county of Contra Costa.

(Ord. 78-5).

92-2.004 Purpose.

This title is enacted for the purpose of adopting subdivision regulations in accordance with the Subdivision Map Act, Division 2 of Title 7 of the Government Code of the state of California, and repeals all other regulations of the county in conflict with this title; provided, however, that such repeal shall not affect any agreement, contract, or bond executed pursuant to such regulations or any rights of action accruing thereunder.

(Ord. 78-5).

92-2.006 Scope.

Under the provisions of Division of Title 7 of the Government Code, state of California, referred to herein as the Subdivision Map Act and, in addition to any other regulation provided by law, the regulations contained in this title shall apply to all subdivisions hereafter made entirely or partially within the unincorporated territory of the county.

(Ord. 78-5).

[1]Cross reference(s)—For grading provisions, see Chs. 716-2 and 716-4, this code.
For sign provisions, see Chs. 88-6, 88-8, this code.
For land use and variance permit provisions, see Chs. 82-6, 88-6, this code.

Chapter 92-4 DEFINITIONS

Sections:

92-4.002 General.

As used in this title, the following words shall have the meanings set forth in this chapter.

(Ord. 78-5).

92-4.004 Advisory agency.

(a) Planning Commission. The planning commission is designated as the advisory agency with respect to proposed tentative maps relating to:

(1) Subdivisions of five or more lots estimated to generate one hundred or more peak hour trips; or

(2) Any subdivisions referred to it by the zoning administrator for consideration and initial decision.

(b) Zoning Administrator. The zoning administrator is designated as the advisory agency with respect to proposed tentative maps relating to subdivisions:

(1) Of four or less lots; or

(2) Estimated to generate less than one hundred peak hour trips.

(c) Community Development Department. The community development department is designated as the advisory agency for purposes of reviewing and approving a proposed tentative map pursuant to Article 94-2.202 of this title.

(d) Authority. The designated advisory agency shall have all powers and duties with respect to any said proposed maps and the procedures relating thereto which are specified by law and by this code.

(Ords. 93-4 § 1, 92-66 § 4, 91-50 § 5, 78-5).

92-4.006 Arterial street.

"Arterial street" is any street or road passing adjacent to or through the subdivision, which carries the major flow of traffic, and for which the major traffic may ultimately be in excess of two thousand four hundred vehicles per day.

(Ord. 78-5).

92-4.008 Block.

"Block" means the length of the frontage along the property line between consecutive streets intersecting the frontage; and may also mean that area bounded on all sides by the adjacent streets, rights-of-way, railroads, public areas, or subdivision boundary, and includes one or more lots or parcels.

(Ord. 78-5).

92-4.010 Building inspection department.

The "building inspection department" is the county agency which serves in an advisory capacity to appropriate advisory agencies and the board of supervisors concerning topography and soil conditions and their effect on the design and development of the subdivision.

(Ord. 78-5).

92-4.011 Civil engineer.

"Civil engineer" means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the state of California.

(Ord. 78-5).

92-4.012 Collector street.

"Collector street" is any street within a subdivision or adjacent thereto which, because of its location with reference to other streets or other sources of traffic, carries or will carry traffic from minor streets to the major system of arterial streets; and includes the principal entrance streets for residential developments and streets for circulation of traffic within such developments and serves, or will serve, twenty-four or more dwelling units.

(Ord. 78-5).

92-4.014 County.

"County" means the county of Contra Costa, state of California, of which the governing body is the board of supervisors.

(Ord. 78-5).

92-4.016 Critically expansive soils.

"Critically expansive soils" or other soil problems are soil conditions which can cause damage to improvements, including streets, structures and buildings. They shall be tested by acceptable procedures to provide data suitable for making adequate designs for the improvements.

(Ord. 78-5).

92-4.018 Cul-de-sac.

"Cul-de-sac" is a street which connects to another street only at one end, and serves sixteen dwelling units or less, with a maximum length of seven hundred feet.

(Ord. 78-5).

92-4.020 Dwelling unit.

"Dwelling unit" is a building or a portion thereof, or a mobile home, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit.

(Ord. 78-5).

92-4.021 Engineering geologist.

"Engineering geologist" means a professional geologist in the branch of engineering geology holding a valid certificate of registration as an engineering geologist in the state.

(Ord. 78-5).

92-4.022 Final map.

"Final map" is a map prepared in accordance with the provisions of this title and the Subdivision Map Act, which map is designed to be filed in the office of the recorder of Contra Costa County.

(Ord. 78-5).

92-4.024 Flood control district.

The "Contra Costa County water conservation and flood control district," hereinafter referred to as the "Flood control district," serves in an advisory capacity to appropriate advisory agencies and the board of supervisors relating to drainage and flood control matters.

(Ord. 78-5).

92-4.026 Flood hazard.

"Flood hazard" is possible occurrence of overflow storm water causing flooding of lands or improvements, or having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings, or to cause erosion of the banks of channels.

(Ord. 78-5).

92-4.028 Freeways.

"Freeways" are those highways which are defined in Section 23.5 of the Streets and Highways Code of the state, and which, because of their design and location with reference to the county highway system and state highway system, are or will be used primarily for fast, heavy, or dense traffic and for which right of access from abutting property or streets along the right-of-way boundaries will be prohibited or limited.

(Ord. 78-5).

92-4.030 Frontage.

"Frontage" is the width of the lot or block measured along the property line adjacent to the street.

(Ord. 78-5).

92-4.032 Frontage improvements.

"Frontage improvements" consist of curb, longitudinal drainage, sidewalks, street lighting, planting and paving, or any combination thereof.

(Ord. 78-5).

92-4.034 Frontage road.

"Frontage road" is a street or road adjacent to an arterial, thoroughfare, or freeway, which provides access to abutting properties and protection from the through traffic on the more heavily travelled street.

(Ord. 78-5).

92-4.035 Geologic hazard or potentially hazardous soil conditions.

"Geologic hazard or potentially hazardous soil conditions" includes but is not limited to conditions such as slope stability, ground water seepage, erosion hazards, expansive soil, fault-related hazards, and liquefaction potential.

(Ord. 78-5).

92-4.036 Health department.

The "health department" of the county, acting through the county health officer, or the county health officer's ~~his~~ representative, serves in an advisory capacity to appropriate advisory agencies and the board of supervisors concerning matters of sanitation and public health.

(Ord. 78-5).

92-4.038 Improvement plan.

"Improvement plan" is a plan prepared under the direction of a civil engineer, registered by the state, showing the location and construction details of all improvements required for the subdivision.

(Ord. 78-5).

92-4.040 Improvements.

"Improvements" refers to such street work, drainage facilities, utilities, and other facilities required to be installed by the subdivider on the land to be used for public or private streets, highways, ways, and easements as a condition precedent to the approval and acceptance of a final or parcel map thereof. "Improvements" also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan or any specific plan adopted pursuant to Division 1 of Title 7 of the Government Code.

(Ord. 78-5).

92-4.042 Industrial street.

"Industrial street" is a street serving traffic within an industrial development.

(Ord. 78-5).

92-4.044 Inundation.

"Inundation" is used to indicate ponded storm water or storm water in motion of sufficient depth to damage property due to the mere presence of water or the depositing of silt.

(Ord. 78-5).

92-4.046 Lot.

"Lot" means that portion of a parcel of land which is delineated or described as a single integral unit on the subdivision map.

(Ord. 78-5).

92-4.047 Lot line adjustment.

"Lot line adjustment" is as described in Government Code § 66412. Applications for lot line adjustment shall be heard by the zoning administrator.

(Ord. 85-75 § 2).

92-4.048 Major drainage channels or conduits.

"Major drainage channels or conduits" are those channels or conduits which serve a drainage area of four square miles or more.

(Ord. 78-5).

92-4.050 Marginal strip.

"Marginal strip" is the area between the edge of the traveled roadway or curbline, and the adjacent property line.

(Ord. 78-5).

92-4.052 Median.

"Median" is the area separating two roadways within the right-of-way.

(Ord. 78-5).

92-4.054 Minor drainage channels or conduits.

"Minor drainage channels or conduits" are those channels or conduits which serve a drainage area of one square mile or less.

(Ord. 78-5).

92-4.056 Minor street.

"Minor street" is any street which serves traffic for not more than twenty-four dwelling units.

(Ord. 78-5).

92-4.058 Minor subdivision.

"Minor subdivision" refers to a subdivision of four or less lots.

(Ord. 78-5).

92-4.060 Ordinance specifications.

"Ordinance specifications" refers to the ordinance specifications as approved by resolution of the board of supervisors, in effect at the time of filing the parcel map or final map of the subdivision, three copies of which are filed with the clerk of the board of supervisors.

(Ord. 78-5).

92-4.062 Parcel.

"Parcel" is all land which is contiguous and under one ownership.

(Ord. 78-5).

92-4.064 Parcel map.

"Parcel map" is a map prepared in accordance with the provisions of this title and the Subdivision Map Act.

(Ord. 78-5).

92-4.066 Path.

"Path" is a right-of-way designated for use only by pedestrians and not intended for use as a way for motor-driven vehicles. Public paths are rights-of-way offered for dedication by a final or parcel map or deeded to and accepted by the governing body of the county. Private paths are for the benefit of the owners of lots designated on the final or parcel map.

(Ord. 78-5).

92-4.068 Planning department.

"Planning department" is the technical staff of the planning commission and is one of the divisions of county government. "Planning department" shall also be the clerk of the advisory agency for purposes of receiving tentative maps and clerk of the appeals board and legislative body for purposes of filing appeals as provided in the Subdivision Map Act.

(Ord. 78-5).

92-4.070 Ponding of local storm water.

"Ponding of local storm water" is standing storm water in local depressions. As distinguished from sheet overflow water, this water originates on or in the vicinity of the subdivision, and due to the condition of the ground surface, does not reach a drainage channel or conduit.

(Ord. 78-5).

92-4.072 Preliminary soil report.

"Preliminary soil report" means a report prepared by a soil engineer based upon adequate test borings or excavations in accordance with the provisions of this title and the Subdivision Map Act.

(Ord. 78-5).

92-4.074 Private road.

"Private road" means any parcel of land or nonexclusive easement not owned by the county, cities, or the state, which is used or intended to be used for access to a lot or parcel.

(Ord. 78-5).

92-4.076 Public street.

"Public street" is a street for which the fee title or right-of-way is owned by the county, or offered for dedication to the public and accepted by the county.

(Ord. 78-5).

92-4.078 Public works department.

The "public works department" is the county department which serves in an advisory capacity to appropriate advisory agencies and the board of supervisors concerning streets, drainage, engineering, and matters related to the office of county surveyor. The public works department is designated as the clerk of the board of supervisors for purposes of receiving final or parcel maps.

(Ord. 78-5).

92-4.080 Secondary drainage channels or conduits.

"Secondary drainage channels or conduits" are those channels or conduits which serve a drainage area less than four square miles and more than one square mile.

(Ord. 78-5).

92-4.082 Sheet overflow.

"Sheet overflow" indicates water of minor depths either quiescent or flowing at velocities less than those necessary to produce serious scour.

(Ord. 78-5).

92-4.084 Soil engineer.

"Soil engineer" is a civil engineer who is experienced in soil mechanics, who investigates and reports on the stability of existing or proposed slopes, who controls the installation and compaction of fills, who recommends soil bearing values, and who provides design criteria and calculations for special earth structures such as buttress fills.

(Ord. 78-5).

92-4.086 Street.

"Street" is a way, excluding a path or alley, for pedestrian and vehicular traffic.

(Ord. 78-5).

92-4.088 Subdivider.

"Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for themself ~~himself~~ or for others.

(Ord. 78-5).

92-4.090 Subdivision.

(a) "Subdivision" means the division of any improved or unimproved land, shown on the latest equalized county assess- ment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether im- mediate or future, except for leases of agricultural land for agricultural purposes for the cultivation of food or fiber or the grazing or pasturing of live- stock. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way.

(b) "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, or a community apartment project, as defined in Section 11004 of the Business and Professions Code.

(c) Any conveyance of land to a governmental agency, public entity, public utility or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of com- puting the number of lots.

(d) "Subdivision" shall not include a lot line adjustment.

(Ords. 85-75 § 3, 78-5: See Gov. C. § 66426.5).

92-4.092 Tentative map.

"Tentative map" refers to a map for the purpose of showing the design of a proposed subdivision and the existing conditions on and around the proposed subdivision.

(Ord. 78-5).

92-4.094 Thoroughfares.

"Thoroughfares" are those roads of general county importance which are designated as county thoroughfares, either existing or proposed on the county general plan of roads.

(Ord. 78-5).

92-4.096 Urban lot split.

"Urban lot split" means a subdivision of an existing lot within a single-family residential zoning district or planned unit district into no more than two new parcels that meet all of the requirements set forth in Government Code Section 66411.7 and Article 94-4.10 of this code.

(Ord. No. 2023-19, § II, 10-24-23; Ord. No. 2022-14, § V, 3-29-22)

Chapter 92-6 EXCEPTIONS

92-6.002 Advisory agency findings.

Subject to the Subdivision Map Act, the advisory agency may authorize exceptions to any of the require- ments and regulations set forth in this title. Application for such exception shall be made by the subdivider, stating fully the grounds for the application and the facts relied upon, and the subdivider shall grant such additional time as may be required by the advisory agency for the con- sideration of the exception. Before granting any such exception, the advisory agency shall find:

(1) That there are unusual circumstances or conditions affecting the property;

(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant;

(3) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

(Ord. 78-5).

92-6.004 Advisory agency conditions.

In granting any such exception, the advisory agency shall designate the conditions under which the exception is granted.

(Ord. 78-5).

92-6.006 Modification of requirements.

The standards and requirements of these regula- tions may be modified by the planning commission in the case of a plan or program for a new town; or for a complete community or neighborhood unit which the planning commission finds provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the subdivisions when fully developed and populated, and which also provides such other provisions as will assure conformity to and achievement of the adopted general plan.

(Ord. 78-5).

Chapter 92-8 CONFORMANCE

92-8.002 Ordinance conformance.

All subdivisions subject to the provisions of this title shall conform to applicable zoning regulations and the county code of ordinances.

(Ords. 85-56 § 9, 78-5).

92-8.004 Compliance with specifications.

All construction materials, methods, tests, and professional services rendered~~workmanship~~ shall comply with the requirements of the ordinance specifications.

(Ord. 78-5).

92-8.006 Flood hazard areas.

All subdivisions subject to the provisions of this title shall comply with the standards for subdivisions set forth in Section 82-28.1006 of this code.

(Ord. 90-118).

Chapter 92-10 ADMINISTRATION AND ENFORCEMENT

92-10.002 Action by interested persons.

(a) When any provisions of the Subdivision Map Act or this title requires the execution of any certificate or affidavit or the performance of any act by a person in the person's~~his~~ official capacity, who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act performed by some other persons duly qualified ~~qualified~~ therefor and designated so to act by the board of supervisors.

(b) All legal forms and notes used in cer- tificates, acknowledgments, dedications, and other matters shall be subject to approval by the county counsel.

(Ord. 78-5).

92-10.004 Time limits.

The time limits specified in this title may be extended by mutual consent of the parties concerned.

(Ord. 78-5).

92-10.006 Map check by private entity; special checking fee.

(a) At the time a subdivider files an application for a tentative subdivision map with the community development department, the subdivider may request that the department estimate the time required to check the map based on the current workload and staffing level. If the subdivider desires faster processing of ~~his or her~~ the subdivider's map, the subdivider ~~he or she~~ may request that the county con- tract or employ a private entity or persons on a temporary basis to process the tentative map and provide a recommendation for the decision-making body. The county need not enter into such a contract or employ such persons if it determines either that (a) no such entities or persons are available or qualified to perform such services, or (b) the department staff would be able to perform such services in a more rapid fashion than would any available and qualified persons or entities.

(b) Any such entity or persons employed by the county shall, pursuant to an agreement, perform all functions necessary to check tentative maps and to comply with other requirements imposed pursuant to the Subdivision Map Act and this title, except those functions reserved by this chapter to the director of community development or the board of supervisors, including the approval or denial of such maps.

(c) The subdivider shall pay a special premium fee in an amount necessary to defray costs directly attributable to employing or con- tracting the entities or persons performing services pursuant to this section. The premium fee shall be in addition to the application fees established by the county.

(d) The director of community development is authorized to enter into and sign, on behalf of the county, agreements with subdividers and with entities and persons to carry out this section.

(Ord. 90-120 § 2).

Chapter 92-12 NOTICES OF VIOLATION AND MERGER AND CERTIFICATES OF COMPLIANCE

Article 92-12.2. General

92-12.202 Purpose.

This chapter supplements the provisions of Government Code Sections 66424.2, 66499.34, 66499.35 and 66499.36 (Subdivision Map Act), pertaining to notices of violation and certificates of compliance. The development of real property in the county which has been divided, or has resulted from a division, in violation of provisions of the Subdivision Map Act and this title is contrary to the public health, safety and welfare.

(Ords. 92-44 § 4, 78-5).

Article 92-12.4. Notice of Violation

92-12.402 Knowledge.

Any county official having knowledge of a possible violation of parcels of land pursuant to the provisions of the Subdivision Map Act or of this title, shall convey such information to the director of planning.

(Ords. 92-44 § 5, 78-5).

92-12.404 Tentative violation recordation.

If the director of planning, either on the director's ~~his~~ own initiative or upon investigation of information received, determines that real property has been divided in violation of the provisions of the Subdivision Map Act or of this title, the director may cause a notice of intention to record a notice of violation, setting forth the information prescribed by Government Code Section 66499.36, to be recorded with the county recorder.

(Ords. 92-44 § 5, 78-5).

92-12.406 Violation hearing notice.

After recording the notice of intention to record a notice of violation, and at least sixty calendar days prior to the recording of a notice of violation, the director of planning shall advise the owner of the real property, by mail, of the intention to record a notice and specifying a time, date and place at which the owner may present evidence to the planning commission why such notice should not be recorded. The director shall also mail a copy of the recorded notice of intention to the owner.

(Ord. 92-44 § 5, 78-5).

92-12.408 Planning commission hearing.

Upon the noticed hearing, the planning commission may wholly or partially affirm, reverse or modify the decision of the director of planning and the recordation of the notice of intention to record a notice of violation. If the planning commission determines that no violation pursuant to the Subdivision Map Act or this title has occurred, it may direct the director of planning to issue and file for the recordation a release of the notice of intention to record a notice of violation.

(Ords. 92-44 § 5, 78-5).

92-12.410 Board of supervisors hearing.

Any hearing before the board of supervisors of an appeal from the planning commission as to the recordation of a notice of intention to record a notice of violation shall be conducted in accordance with the provisions pertaining to such appeals before the commission.

(Ords. 92-44 § 5, 78-5).

92-12.412 Violation action.

All departments, officials, and employees of the county vested with the duty or authority to issue permits necessary to develop any real property shall conform to the provisions of this title, and shall not wilfully issue any permit or license for use or construction or any other purpose in conflict with the provisions of this title or of the

Subdivision Map Act; and any such permit or license issued in conflict therewith shall be null and void. Nothing in this chapter shall be deemed to require the recording of a notice of violation as a condition precedent to the enforceability of any of the provisions of this title.

(Ord. 92-44 § 5, 78-5).

Article 92-12.6. Certificates of Compliance

92-12.602 Application.

Requests for issuance of a certificate of compliance shall be submitted, in legible and readily reproducible writing, to the planning department, on its standardized form accompanied by a plot plan and such supporting information as may be deemed necessary by the director of planning to determine compliance herewith.

(Ord. 78-5).

92-12.604 Fees.

Upon requesting issuance of a certificate of compliance, the applicant shall deposit with the director of planning for payment to the treasurer of the county, cash or check in a sufficient sum to cover the fee for issuance and recording of the certificate of compliance. The schedule of fees will be that recommended by the director of planning and adopted by the board of supervisors from time to time by resolution.

(Ord. 78-5).

92-12.606 Decision.

Within fifteen calendar days after filing of the request, the director of planning shall review the request and determine whether the property or the division thereof complies with the provisions of the Subdivision Map Act and this title, and shall determine whether a certificate of compliance should be issued or denied or a conditional certificate of compliance issued and recorded. Any certificate of compliance or conditional certificate of compliance issued shall set forth the information prescribed by Government Code Section 66499.35 and shall be filed for record with the county recorder by the director of planning. If the director of planning determines that such property could be brought into compliance by fulfillment of certain conditions, the director of planning~~he~~ shall so state in the director's~~his~~ decision of denial or the conditional certificate of compliance issued and recorded.

(Ord. 78-5).

92-12.608 Denial — Action.

Upon denial of any request for a certificate of compliance by the planning director, the applicant may still apply to the appropriate division of the county's planning agency in accordance with the provisions of this title for approval of a final or parcel map for ~~his~~ the applicant's property.

(Ord. 78-5).

92-12.610 Map compliance.

A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcel of real property described therein.

(Ord. 78-5).

Division 94. MAPS

Chapter 94-2 TENTATIVE MAPS

Article 94-2.2. General

94-2.202 Tentative map.

A tentative map shall be submitted for approval preceding the submission of the final map or parcel map for a subdivision. If all of the following conditions are met by the application and tentative map, the zoning administrator (or staff) may approve the tentative map:

(1) No more than two lots are proposed to be created and each of such lots cannot be further divided under the existing zoning classifications;

(2) Both lots, after division, will front on a public or dedicated street;

(3) Dedication is not required for widening, extending or creating a street;

(4) The lots created will, in all other respects, comply with legal requirements.

(Ord. 78-5).

94-2.204 Information required.

The tentative map shall be clearly and legibly drawn on one sheet, unless prior written approval of the planning department is given for more than one sheet, and shall contain the following information:

(1) The title, which shall contain the subdivision number assigned by the planning department and the type of subdivision, and may contain such name as may be selected by the subdivider;

(2) Names and addresses for:

(A) Legal owner of property,

(B) Subdivider, and

(C) Person or persons who prepared the map;

(3) A topographical map accurately showing contours and other features of the existing terrain within the subdivision, existing drainage channels, roads, culverts, overhead and underground utility lines which may affect the design of the subdivision, wells and springs, major structures, irrigation ditches, utility poles, and other improvements in their correct location. Elevations shall be in accord with U.S. Geological Survey (1929 Sea Level Datum). The map shall be drawn to an engineer's scale large enough to show all information clearly. The parcel shall be oriented on the map sheet such that the north arrow shall point toward the top of the sheet. Contour interval shall not be greater than two feet if the ground slope is less than ten percent nor larger than five feet for ground slopes greater than ten percent; and at such intervals that the contour lines will not be spread more than one hundred fifty feet (ground distance) apart. The map shall show:

(A) The outline of any geologic or potentially hazardous soil condition, and areas subject to inundation or ponding,

(B) The edges of pavement of existing streets, private roads, driveways and other paved areas,

(C) Location of existing property lines and approximate boundaries of existing easements within the subdivision, with the names of the owners of record, of easements, exclusions, and the properties abutting the subdivision,

(D) The proposed lot and street layout with scaled dimensions of each lot. Lot dimensions shall conform to the requirements of Division 82 as to size and dimensions.

Lots, where not served by public sewers, shall not be smaller in area than the health department shall approve for septic tanks and drain field installation.

Side lot lines shall be substantially at right angles or radial to street lines.

Each lot shall be identified by (a) lot numbers, beginning with number "1" in each subdivision requiring a final map; or (b) lot letters, beginning with letter "A" in each subdivision requiring a parcel map. Numbers or letters shall be consecutive with no omissions or duplications.

The subdivider shall show the area of each lot on the tentative map. The area shall be exclusive of the portion lying in the street,

(E) The location of all proposed easements for drainage and access,

(F) The location and species of all trees or, if massed, the outline of the tree mass. Trunk diameter of all trees six inches in diameter and over shall be noted,

(G) Street names, width of streets and easements, approximate grade, and radius of curves along property lines of each street,

(H) Typical geometric sections for streets showing pavement width, curbs, sidewalks, grading in margin strips, slopes of cuts and fills, and other construction proposed or applicable,

(I) Areas to be used for public purposes,

(J) Location, approximate grade, direction of flow and type of facility of existing drainage channels and storm drains,

(K) A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to community development,

(L) North arrow, scales for maps and contour interval,

(M) Boundary lines of existing land use zones shall be delineated,

(N) Statement or plan as to proposed plans for draining the area subject to flooding or inundation by waters flowing into or from the subdivision,

(O) If to be developed in increments, the map shall indicate the approximate sequence of development by units.

(Ord. 78-5).

94-2.206 Data to accompany tentative map.

The tentative map shall be accompanied by the following data, which shall be submitted at the time the map is filed with the planning department:

(1) A written statement of general information which shall contain the following information:

(A) Existing use or uses of property,

(B) A description of the proposed subdivision, including the number of lots, their average and minimum size, and nature of development,

(C) Source of water supply,

(D) The method of sewage disposal proposed,

(E) Other improvements proposed,

(F) How the proposed subdivision is consistent with, and will further the goals and objectives of the general plan including, but not limited to, its community facilities element;

(2) Two copies of a preliminary geologic and/or soils reconnaissance report, as required by the planning department. Each report of a geological investigation shall be prepared and signed by an engineering geologist. Each report of a soil investigation shall be prepared and signed by a soil engineer. The required report should be based on the latest grading plan for the subject development and shall reference the date of that grading plan. The format for required reports shall generally follow the guidelines for geologic/seismic reports required by the planning department. All reports shall include the following:

(A) A detailed geologic map showing the location and extent of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the subject property which warrants special management and/or further evaluation,

(B) Recommendations outlining an exploration program to fully define and delineate any geologic hazard or potentially hazardous soil condition, and to accurately identify developable areas,

(C) Conclusions regarding the effect of any geologic hazard or potentially hazardous soil condition within or immediately adjoining the project site on the design of the proposed subdivision,

(D) Recommendations for redesign of the subdivision and/or recommendations for construction procedures to mitigate potentially hazardous conditions, if warranted.

The requirement for a preliminary geologic or soils reconnaissance report may be waived if the planning department determines that there are no apparent hazardous geologic or soils conditions within, adjacent to, or affecting the subdivision, based upon the geotechnical knowledge the department possesses.

For subdivisions of four lots or less there is no mandatory requirement for a preliminary geologic or soils reconnaissance report. Such a report may be required if the planning department determines that there are apparent hazardous geologic or soils conditions within, adjacent to, or affecting the subdivision.

An engineering geologist, within or retained by Contra Costa County, shall evaluate the reports required herein and advise the body having jurisdiction and authority. Supplemental reports and data may be required if deemed necessary;

(3) When a tentative map is filed on an area which is a part of a larger single ownership which may be subdivided in the future, the planning department may require a development plan showing the proposed future development;

(4) Four copies of a preliminary grading and site development plan, including drainage, when required by the planning department.

(Ords. 85-56 § 10, 78-5).

Article 94-2.4. Design Objectives (Reserved)

Article 94-2.6. Filing

94-2.602 General.

For subdivisions of five lots or more, the subdivider shall file with the planning department twenty-five prints of the tentative map of the subdivision; for subdivisions of four lots or less, the subdivider shall file twelve prints. The filing fee specified in Article 26-2.28 shall accompany the tentative map. The time of filing a tentative map and the required accompanying statement is when the planning department accepts them as complete. Not later than thirty calendar days after receiving the tentative map, the planning department shall examine it, and shall accept it for filing if it appears to substantially comply in form and content to the requirements of this chapter and code, or shall return it to the subdivider with a written statement of the reasons.

(Ords. 80-87 § 3, 78-5: see Gov. C. § 65943).

94-2.604 Referral to interested agencies.

The planning department, within five calendar days after the filing of the map, shall forward copies to the public works department, the health officer, flood control district, building inspection department, the chief engineer of a sanitary district if the subdivision lies within a sanitary district, the chief of the local fire district, the serving school district, the utility companies serving the area, the State Department of Transportation, and other interested state and regional agencies. Each of the agencies, within fifteen calendar days after receipt of the map, may forward to the planning department its findings and recommendations thereon.

(Ord. 78-5).

94-2.606 Subdivision conference.

Within thirty calendar days after the filing of a tentative map in compliance with Section 94-2.602, the planning department may hold a subdivision conference on the tentative map, after giving written notice to all interested agencies. At such conference the recommendations of the planning department and the other affected agencies may be considered and correlated. Following the conference, the department shall make a written report of the recommendations to the appropriate advisory agency, and shall serve the report on the subdivider and on each tenant of the subject property (in the case of a proposed conversion to a condominium project, community apartment project, or stock cooperative project), at least three calendar days before any final action by the advisory agency. A revised tentative map may be submitted at least one week prior to any final action by the advisory agency.

(Ord. 82-36 § 2, 78-5).

94-2.608 Requests for exceptions and variances.

The subdivider may submit a written request for exceptions as to street improvements, widths, grades, and other subdivision matters or variances from zoning requirements, subject to the approval of the advisory agency.

(Ord. 78-5).

94-2.610 Expiration—Extension.

The approval or conditional approval of a tentative map shall expire thirty-six months after its original approval. This expiration shall terminate all proceedings, and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. Upon application by the subdivider, filed before this expiration date, the advisory agency which originally approved the tentative map may extend this expiration date for a period or periods totaling not more than three years after the original expiration date.

(Ords. 85-58 § 2, 81-39 § 1, 78-5; § 94-4.408: prior code § 8430 (c): Ord. 67-19 Gov. C. §§ 66452.6, 66463.5).

94-2.612 Public works department.

Notwithstanding any other provision of this code, whenever the term "public works department" is used in this article, it means the community development department.

(Ord. 85-32 § 7).

Article 94-2.8. Action by Advisory Agency

94-2.802 Approval of tentative map.

The advisory agency, pursuant to Section 26-2.2212 of this code, shall approve, conditionally approve, or disapprove the map, and shall report such action in writing direct to the subdivider, the public works department and such other agencies as requested. In the case of a proposed tentative map for a minor subdivision the advisory agency shall hear it within fifty working days after filing it and thereafter render a decision within fifteen calendar days unless these time limits have been extended by mutual consent of the parties concerned. In the event the map is disapproved, the advisory agency's report shall set forth the basis of its action and identify the requirements or conditions which have not been met or performed.

(Ord. 78-5).

94-2.804 Approval of exception and variance applications.

The advisory agency shall also approve or disapprove the application of the subdivider for exceptions and variances.

(Ord. 78-5).

94-2.806 Findings.

The advisory agency shall not approve a tentative map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law. When approving the tentative map for a minor subdivision, the advisory agency shall make findings as required concerning the fulfillment of construction requirements.

(Ord. 78-5).

Article 94-2.10. Appeal

94-2.1002 Appeal—Procedure—Fee.

If the subdivider or any interested person, as provided in Section 26-2.2404 of this code, is dissatisfied with the action of the advisory agency with respect to the tentative map, or with the improvements required by the advisory agency, the subdivider or interested person ~~he~~ may appeal, as provided in Section 26-2.2404 of this code, within ten calendar days after such action to the appropriate appellate division as provided in Section 26-2.2406 of this code pursuant to Article 26-2.24, paying the fee required under Article 26-2.28.

(Ords. 82-24, 78-5, 67-19: prior code § 8424: Gov. C. § 66452.5)

Chapter 94-4 FINAL MAPS AND PARCEL MAPS

Article 94-4.2. Form and Contents

94-4.202 Final and parcel maps—General.

A final map shall be submitted for approval for all subdivisions creating five or more lots, five or more condominiums as defined in Section 783 of the Civil Code, or a community apartment project containing five or more lots, except as provided in Government Code Sections 66426 and 66426.5.

A parcel map shall be submitted for approval for all subdivisions as to which a final map is not otherwise required by this title. Notwithstanding the foregoing, a parcel map shall not be required for (1) subdivisions of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, which are created by short-term leases (terminable by either party on not more than thirty days' notice in writing), or (2) land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map.

The form and contents of the final map or parcel map shall be in conformance with the Subdivision Map Act and this title.

(Ords. 85-75 § 4, 78-5: see Gov. C. § 66428).

94-4.204 Boundary designation.

The boundary of the subdivision shall be designated by a solid black line one-sixteenth inch wide.

(Ord. 78-5).

94-4.206 Lot designation.

On final maps, each lot shall be numbered, beginning with number "1" and continuing consecutively with no omissions or duplications.

On parcel maps, each lot shall be lettered, beginning with letter "A" and continuing consecutively with no omissions or duplications.

All figures shall be conspicuous and solid. Circles or other designs shall not be drawn around the lot numbers or letters. Each lot must be shown entirely on one sheet of the map. Dimensions of lots shall be given as the net dimensions to the boundaries of adjoining streets.

(Ord. 78-5).

94-4.208 Title sheet.

The title sheet shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States survey. A subdivision name may be added below the subdivision number. The subdivision number shall be larger print and dominant to any name title. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Contra Costa." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Contra Costa and partly within the City of....." (Ord. 78-5).

94-4.210 Affidavits, certificates, dedications, etc.

Affidavits, certificates, acknowledgments, endorsements, acceptances of dedication, and the notarial seals required by law and this title shall appear only once on the title sheet. The above certificates, etc., may be printed thereon with opaque ink and by photographic reproduction. Black ink shall be used for all signatures and seals. If more than three sheets are used, a key diagram shall be included on the first sheet. Where recommended by the public works department and approved by the board of supervisors, the requirements for owner's certificates on a parcel map may be waived.

(Ord. 78-5).

94-4.212 Scale, north point and basis of bearings.

There must appear on each map sheet the scale, the north point, and the basis of bearings. The scale shall be forty feet, fifty feet, or sixty feet to the inch or as approved by the public works department. The basis of bearings shall be that approved by the public works department and the map shall show the equation of bearing to the true north. All bearings shall be based on the California Coordinate System, Zone III.

(Ord. 78-5).

94-4.214 Easements.

(a) Easements for roads or streets, paths, storm water drainage, sanitary sewers, or other public use as may be required by a public agency, shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.

(b) Easements for an existing or proposed utility installation for the use of a private or nongovernmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in subsection (d) of this section.

(c) All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.

(d) Easements not disclosed by the records in the office of the county recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

(e) The sidelines of all easements of record shall be shown by dashed lines on the map with the widths, lengths and bearings of record.

(Ord. 78-5).

94-4.216 Linear, angular and radial data.

Sufficient linear, angular, and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius, and total central angle or radial bearings of all curves shall be shown.

(Ord. 78-5).

94-4.218 Adjoining corners of adjoining subdivisions.

The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing such subdivision; and if no such subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last recorded owner of such adjacent property.

(Ord. 78-5).

94-4.220 City boundaries.

City boundaries which cross or join the subdivision shall be clearly designated.

(Ord. 78-5).

94-4.222 Monument location.

The location and description of all existing and proposed monuments shall be shown. Adequacy of monumentation shall be determined by the public works department.

(Ord. 78-5).

94-4.224 Soil report certificate.

When a soil report has been prepared, the certificate required by Section 94-4.420 shall be noted on the map.

(Ord. 78-5).

94-4.226 Printing or lettering.

All printing or lettering on the map shall be of one-eighth-inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings. No ditto marks shall be used in the dimensions and data shown on the map.

(Ord. 78-5).

94-4.402 Approval of supplementary documents—Final maps and parcel maps.

The final map or parcel map shall be accompanied by the documents designated in Sections 94-4.404 through 94-4.414, which shall be approved by proper authorities before the final map or parcel map is approved. A soil report conforming to the requirements of Section 94-4.420 of this title may be required by the advisory agency as a condition of approval of the tentative map for a subdivision of four lots or less.

(Ord. 78-5).

94-4.404 Subdivision agreement.

A subdivision agreement shall be executed by the subdivider or the subdivider's~~his~~ agent guaranteeing the completion of construction of improvements required by the county code and reviewed plans within a specified time, and payment therefor. The subdivision agreement shall guarantee that all street and storm drain improvements and equipment deemed necessary for the use of such subdivision or the proper drainage thereof and including, but not limited to, street surfacing, sidewalk, curbs, culverts, bridges, and storm drains shall be free from defects of material or professional services rendered~~workmanship~~ and shall perform satisfactorily for a period of at least one year from and after the board of supervisors declares such improvements are complete.

The subdivider shall agree to repair any defect in any such improvement and to replace any defective improvement which cannot be repaired and which occurs within the one-year period, at ~~his~~the subdivider's own expense.

The one-year guarantee period shall not apply to the improvement of a private road, which is to remain a private road.

(Ord. 78-5).

94-4.406 Cash deposit and performance security.

A cash deposit, equal to one percent of the estimated cost of construction of the improvements, but not less than one thousand dollars, shall be required, together with such additional security in the form of cash deposit, acceptable surety bond, or acceptable instrument of credit equivalent to the estimated cost of the improvement or the act to be performed, minus the cash deposit, guaranteeing performance of all work and repair of any defect in the improvements which occurs within one year of the acceptance of the work as complete, as set forth in the subdivision agreement. When there are no public improvements involved and the total cost of the private road improvements is less than one thousand dollars, the agreement shall be secured by a cash deposit in the full amount of the estimated cost. Upon acceptance of the work as complete, a new acceptable security guaranteeing the repair of any defective work may be substituted for the performance security. The new security shall include the cash deposit described above and shall be not less than said cash deposit or fifteen percent of the estimated cost of the construction of the improvements, whichever amount is greater, and shall be retained for the one-year guarantee period.

(Ord. 78-5).

94-4.408 Payment security.

Security in the form of cash deposit, acceptable surety bond, or acceptable instrument of credit equivalent to fifty percent of the estimated cost of the improvement or the performance of the required act, shall be required to

secure payment to the contractor, the contractor's ~~his~~ subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act. Six months after the acceptance of the work as complete, said payment security may be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the legislative body; and if no such actions have been filed, the security may be released in full.

(Ord. 78-5).

94-4.409 Deferral of drainage facilities.

In lieu of complying with Sections 94-4.404 through 944.408, the subdivider of a minor subdivision may defer the installation of drainage facilities by granting to the county a deed of development rights in a form satisfactory to the public works director. The deed of development rights shall prohibit any development, construction or major surface alteration within the minor subdivision and shall prohibit any development, construction or major surface alteration within the minor subdivision and shall relinquish any rights to obtain building, mobilehome or grading permits until the required drainage facilities have been installed or assured pursuant to Section 94-4.404. Before any deferral shall be granted under this section, the advisory agency shall make all of the findings set forth in Section 92-6.002.

(Ord. 88-45 § 2).

94-4.410 Fee payment evidence.

Evidence of cash payment of all fees required for the checking and filing of maps, review of the improvement plans, inspection of the construction, park dedication fees, road, bridge or storm drainage improvement area fees, fire hydrant rental fees and lighting fees shall be required.

(Ord. 78-5).

94-4.412 Deed for easements or rights-of-way.

Easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map or parcel map shall be deeded. Written evidence acceptable to the county in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility shall be required.

(Ord. 78-5).

94-4.413 Offsite improvements.

Whenever improvements are required to be constructed outside of the subdivision, the subdivider shall:

(1) Furnish proof satisfactory to the public works department that the subdivider or county has sufficient title or interest in said property to permit the improvements to be made; or

(2) If the public works department determines that neither the subdivider, nor the county, has sufficient title or interest in said property, furnish all of the following:

(A) The names and addresses of the current owners of record of the property and a legal description (metes and bounds) and plat map (drawn to scale) of the property proposed to be acquired by eminent domain,

(B) Proof satisfactory to the public works department of full compliance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), (Government Code, § 7260 et seq.) in connection with the proposed acquisition,

(C) A current title report and appraisal of the property, in a form and by an appraiser approved by the public works department,

(D) A written statement of all offers made to obtain the property by negotiation and copies of all correspondence relating to offers and responses, including evidence of an offer which satisfies the requirements of Government Code Section 7267.2,

(E) A fully executed agreement, in a form approved by the county counsel, under which the subdivider agrees to pay all costs for acquisition of the property, to post a cash deposit and security bond in the amounts approved by the public works department and specified in the agreement and to comply with the agreement's other terms.

(F) The cash deposit(s) and security bond required by the agreement.

(Ord. 89-28; Gov. Code, § 66462.5).

94-4.414 Joint use of right-of-way agreement.

Agreements, acceptable to the county, executed by all owners of all utility and other easements within proposed rights-of-way, consenting to the dedication of the road or consenting to the joint use of the right-of-way, as may be required by the county for the public use and convenience of the road, shall be required.

(Ord. 78-5).

94-4.416 Supplementary documents—Final maps only.

In addition to those documents specified in Sections 94-4.402 through 944-414, the final map shall be accompanied by the documents designated in Sections 94-4.418 and 94-4.420, which shall be approved by appropriate authorities before the final map is approved.

(Ord. 78-5).

94-4.418 Tax letter—Security.

A letter from the tax collector showing that all payable taxes and special assessments have been paid and giving the tax collector's ~~his~~ estimate of taxes and assessments not yet payable and, as applicable, an acceptable surety bond or acceptable instrument of credit for their payment (where required by Government Code Section 66492) shall be filed with the clerk of the board of supervisors.

(Ord. 78-5).

94-4.420 Soil report.

Two copies of a preliminary soil investigation report to the building inspection department shall be required unless waived because the building inspection department has determined that, due to the knowledge it has of the soil qualities within the subdivision, no preliminary analysis is necessary.

The report shall indicate the presence of any critically expansive soils or any other soil problems which, if not corrected, may lead to defects in structures, buildings or other improvements. If the report indicates such soil

problems, it shall further report on an investigation of each lot of the subdivision, including recommended corrective action which is likely to prevent structural damage to each building, structure, or improvement to be constructed.

It shall also report on the suitability of the earth material for construction of stable embankments and excavation slopes, including those necessary for any artificial or natural drainage channel; recommendations for construction procedures to obtain required stability; maximum design velocities for any natural or artificial drainage channel; and any other geologic features, slides, unstable soil conditions, springs and seepage conditions, erosion control planting, or drainage facilities to enable proper development of the subdivision.

The "preliminary soil report" shall be prepared on eight and one-half inch by eleven-inch paper of durable quality and any map or document which accompanies the report shall be of a convenient size and scale to fold to eight and one-half inches by eleven inches.

If the building inspector, or the building inspector's ~~his~~ designated representative, determines that the report is complete and that the recommended action and procedures contained in the report are likely to prevent structural damage to buildings, structures or improvements to be constructed within the subdivision, the building inspector~~he~~ shall approve the report and shall certify on the final map or parcel map that a preliminary soil investigation report has been prepared, together with the date of the report and the name of the soil engineer preparing the report and shall state that the report has been approved and is on file in the building inspection department. The recommended actions and procedures contained in the report shall become a condition of approval and shall be incorporated in the development of the subdivision.

(Ord. 78-5).

Article 94-4.6. Checking

94-4.602 Prints required and fees.

The subdivider shall submit three sets of prints of the map and certificate sheet to the public works department for checking purposes before the certificates on the original tracings are executed. The preliminary prints shall be accompanied by a current preliminary title report, furnished by the applicant and acceptable to the public works department; by traverse sheets prepared by the subdivider's engineer, showing the mathematical closure of the subdivision's exterior boundaries; and by a checking fee as established and adopted by the board of supervisors from time to time by resolution.

(Ord. 78-5).

94-4.604 Error of closure in traverse.

The error of closure in traverse around the subdivision and around the interior lots or blocks shall not exceed one part in twenty thousand.

(Ord. 78-5).

94-4.606 Public works department action.

The public works department, within ten working days, shall note the required corrections, if any, on one set of the preliminary prints and return them to the engineer or surveyor for revision of the maps.

(Ord. 78-5).

94-4.802 Approval and filing of maps.

The original tracing and one set of prints of the revised map prepared in accordance with the Subdivision Map Act and this title and corrected to its final form, and signed by all parties required by the Subdivision Map Act and this title to execute the certificates on the map, together with all supplementary documents and fees, shall be presented to the public works department for filing. If the map, all documents and fees are determined to be satisfactory, the public works department, within ten calendar days following receipt, shall present them to the board of supervisors for approval. The board of supervisors, within a period of ten calendar days after the filing of the final map or parcel map with the public works department, or at its next regular meeting after the meeting at which it receives the map, whichever is later, shall approve the map if it conforms to all requirements of law and this title. The board shall not approve the map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law. In the event the final or parcel map is disapproved, the board shall set forth the basis of its action and identify the requirements or conditions which have not been met or performed. At the time of its actions thereon, the board shall accept, accept subject to improvements, or reject any or all offers of dedication of streets and other easements.

On approval of any final map or parcel map, the clerk of the board of supervisors shall release the map to the subdivider's title company for ultimate transmittal to, and filing with the county recorder. In addition to the original tracings, the subdivider's title company shall provide the county recorder with a blue line print on linen of each sheet.

(Ord. 78-5).

94-4.804 Time limit for recording.

The time limit for recording the final map or parcel map shall be twelve months, commencing with the approval of the tentative map by the advisory agency, unless an extension of time is granted pursuant to Section 94-2.610.

(Ord. 78-5).

94-4.806 Evidence of title.

The subdivider shall present to the recorder the evidence of title required by the Subdivision Map Act and this title.

(Ord. 78-5).

94-4.808 Filing by units.

The subdivider may elect to file a final map for all or part of the approved tentative map in the sequence of units approved by the planning commission. Each final map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The subdivision agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.

(Ord. 78-5).

Article 94-4.10. Urban Lot Split

94-4.1002 Purpose.

This article implements Government Code Section 66411.7 to provide an alternative method to subdivide a parcel located within a single-family residential zoning district or planned unit district for the purpose of housing development.

(Ord. No. 2023-19, § III, 10-24-23; Ord. No. 2022-14, § VI, 3-29-22).

94-4.1004 Application.

(a) A parcel map for an urban lot split must be prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code Sections 66444 through 66450 and this article. A fee in an amount established by the Board of Supervisors must be paid concurrently with the submission of the parcel map.

(b) The following supplemental information must be submitted with a parcel map application for an urban lot split:

(1) A map of appropriate size and to scale showing all of the following:

(A) Total area (in acreage and square feet) of each proposed lot.

(B) The location and dimensions of existing and proposed property lines.

(C) Zoning district.

(D) The location and use of all existing and proposed structures.

(E) All required zoning setbacks for the existing and proposed lots.

(F) The location of all existing water, sewer, electricity, storm drain, or gas service lines, pipes, systems, or easements.

(G) The location of all proposed new water, sewer, electricity, storm drain, or gas service lines, pipes, or systems.

(H) The location of any proposed easements for access or public utilities to serve a lot created by the subdivision.

(I) Any area of the parcel that is a watercourse by delineating the flow line and top of bank of the watercourse.

(J) The name and dimensions, including right-of-way and improved area, of public and private streets adjoining the parcel.

(K) The location of existing or proposed driveway dimensions, materials, and slope (including cross slope).

(2) A preliminary drainage plan.

(3) A statement of the owner, signed under penalty of perjury under the laws of California, that declares all of the following:

(A) The proposed urban lot split will not require or authorize demolition or alteration of any of the following types of housing:

(i) A residential unit that is a deed-restricted below-market-rate residential unit.

(ii) A residential unit that is subject to any form of rent or price control.

(iii) A residential unit that has been occupied by a tenant in the last three years.

(B) The parcel was not established through any prior exercise of an urban lot split under this article.

(C) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel under the provisions of this article.

(D) The owner intends to occupy one of the residential units located on a lot created by the parcel map as their principal residence for a minimum of three years after the date the parcel map was recorded.

(E) No residential unit on any lot created by the subdivision will be rented or offered for rent for a term of less than 30 days.

(F) The uses allowed on a lot created by the parcel map will be limited to residential uses.

(4) Any other information as required by the planning department.

(Ord. No. 2022-14, § VI, 3-29-22)

94-4.1006 Approval.

A parcel map for an urban lot split will be approved ministerially without discretionary review or public hearing by the Board of Supervisors if the Board determines that the parcel map meets all of the requirements of this article and Government Code Section 66411.7. A tentative parcel map is not required for an urban lot split.

(Ord. No. 2022-14, § VI, 3-29-22)

94-4.1008 Location requirements.

A parcel proposed for subdivision under this article must meet the following location requirements:

(a) The parcel is located in a single-family residential zoning district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), or in a planned unit (P-1) district that allows for an urban lot split under this article.

(b) The parcel is located within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(c) The parcel meets the requirements of Government Codes Section 65913.4(a)(6)(B)—(K).

(d) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined by Public Resources Code Section 5020.1, or in the County Historic Resources Inventory, as designated by the Board of Supervisors.

(Ord. No. 2023-19, § IV, 10-24-23; Ord. No. 2022-14, § VI, 3-29-22).

94-4.1010 Design and improvement requirements.

(a) A parcel map may subdivide an existing legal parcel to create no more than two new lots of approximately equal lot area. Each resulting lot may not be smaller than forty percent of the area of the original parcel proposed for subdivision, and neither resulting lot may be smaller than one thousand two hundred square feet.

(b) Each lot must be served by a separate water service meter and a separate sewer connection.

(c) Each lot must collect and convey all stormwater entering or originating on the lot, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to an adequate natural watercourse, in accordance with Division 914 of the Ordinance Code. All storm drainage facilities must be designed and constructed in compliance with this code and Public Works Department design standards.

(d) The applicant shall comply with all applicable rules, regulations, and standards of the County's National Pollutant Discharge Elimination System (NPDES) permit as required by Division 1014.

(e) On-site frontage improvements, including curbs and sidewalks, shall be provided as required by Section 96-14.002. No off-site frontage improvements shall be required.

(f) Development rights shall be dedicated or conveyed as required by Chapter 914-14.

(g) The placement of lot lines may not result in an accessory building on a lot without a primary building on the same lot.

(h) Lot lines may not render an existing structure as nonconforming in any respect (e.g. setbacks, yard, lot coverage, parking), nor increase the nonconformity of an existing nonconforming structure.

(Ord. No. 2023-19, § V, 10-24-23; Ord. No. 2022-14, § VI, 3-29-22).

94-4.1012 Access standards.

Each lot must front upon or have access to a public street, or be served by an access easement serving no more than two lots. Access must be provided in compliance with these standards:

(a) Vehicle access easements serving a maximum of two residential units must have a minimum width of 12 feet, unless a wider driveway is required by the California Fire Code.

(b) Vehicle access easements serving three to four residential units must have a minimum width of 25 feet.

(c) Vehicle access easements may not be located closer than 25 feet to an intersection.

(d) If a vehicle access easement length is more than 75 feet, a vehicle turnaround must be provided.

(e) Surfacing of easements and turnaround dimensions must meet the requirements of the California Fire Code and this code.

(Ord. No. 2022-14, § VI, 3-29-22)

94-4.1014 Map requirements.

(a) The content and form of a parcel map must meet all the requirements of Government Code Sections 66444 through 66450.

(b) Except as otherwise provided in this article, a parcel map must meet all the applicable requirements of Chapter 94-4.

(c) The parcel map must show all easements for public utilities necessary to serve each lot created by the subdivision.

(d) The parcel map must show all easements necessary to provide each lot with access as required by this article.

(e) The parcel map shall contain a declaration of each of the following:

(1) Each lot created by the parcel map must be used solely for residential uses.

(2) No more than two single-family dwellings are permitted on each lot.

(3) Neither an accessory dwelling unit nor junior accessory dwelling unit is permitted on a lot that includes two single-family dwellings.

(4) No residential unit on a lot created by the parcel map may be rented or offered for rent for a term of less than 30 days.

(Ord. No. 2022-14, § VI, 3-29-22)

94-4.1016 Other permits required.

(a) No development, including grading or vegetation removal, may commence on either lot, concurrent with or subsequent to an urban lot split, unless the development is approved with a valid urban housing development permit under Chapter 88-36.

(b) Neither an urban housing development permit nor a building permit for development on a lot created by an urban lot split will be issued until the parcel map is recorded.

(Ord. No. 2022-14, § VI, 3-29-22)

94-4.1018 Prohibition of further subdivision.

A lot created by a parcel map under this article may not be further subdivided.

(Ord. No. 2022-14, § VI, 3-29-22)

Division 96. IMPROVEMENTS

Chapter 96-2 PLANS

Article 96-2.2. Form and Contents

96-2.202 General.

Following approval of the tentative map, the subdivider shall prepare and submit to the public works department for review, complete construction plans for the improvements required by this title.

(Ord. 78-5).

96-2.204 Contents.

The plans shall be prepared under the direction of a registered civil engineer, licensed by the state, and shall show the complete plans, profiles and details for all street work, drainage channels and structures, retaining walls or other improvements to support cut slopes and embankments, bridges, the location of underground utilities which may control the location and elevation of storm drains and culverts, the location of fire hydrants, street monuments, curbs, gutters, and sidewalks, fences required by this title, gates, driveways, if constructed in conjunction with subdivision improvements, structures and drainage facilities to control slides, location of street lights, sanitary sewers and other improvements which may be required to complete the work. If the plans include

three or more sheets, a key map showing the streets, lots, street names, storm drains, the area covered by each sheet of the plans, and a list showing the sheet numbers of the plans and their contents shall be included on the first sheet of the plans.

(Ord. 78-5).

96-2.206 Sewer plans.

If the sanitary sewers are not under county jurisdiction, the review of the improvement plans shall not be construed as approval of the sewer plans.

(Ord. 78-5).

96-2.208 Plans and profiles.

The plans and profiles shall be submitted on uniform size sheets, twenty-four inches by thirty-six inches overall dimension. A border shall be provided with one and one-half inches along the twenty-four-inch dimension on the left-hand side of the sheet, and a one-half inch border on the other three sides. The sheets shall be provided with a suitable title block in the lower right-hand corner. The scales for various portions of the drawings and the north point where applicable, shall be shown on all sheets. Reference may be made to county standard details in lieu of duplicating the drawings thereon. The quality of the drawings shall be such that high contrast microfilm reproductions may be made from them. All printing or lettering on the improvement plans shall be of one-eighth-inch minimum height and of such shape and weight as to be readily legible on prints and microfilm reproductions.

(Ord. 78-5).

Article 96-2.4. Action by Public Works Department

96-2.402 Improvement plan review.

The subdivider shall submit four sets of improvement plans and a preliminary cost estimate to the public works department for review together with a review fee as established and adopted by the board of supervisors from time to time by resolution. Upon completion of this review, one set of the preliminary plans together with the required revisions, if any indicated thereon, and a written statement will be returned to the subdivider's engineer.

(Ord. 78-5).

96-2.404 Corrected plans.

Six sets of the corrected plans and any additional sets requested by the public works department for distribution to interested public agencies and utilities shall then be submitted to the public works department. One set of the plans reviewed by the public works department with the review and date noted thereon shall be returned to the subdivider's engineer.

(Ord. 78-5).

96-2.406 Review of revisions.

Requests by the subdivider for review of revisions appearing necessary or desirable during construction shall be submitted to the public works department and processed in accordance with Sections 96-2.402 and 96-2.404 of this division.

(Ord. 78-5).

96-2.408 Review prerequisite for final map or parcel map approval.

The completion of the review of the improvement plans by the public works department, when improvements are required, shall be a condition precedent to the approval of the final map or parcel map for the subdivision by the board of supervisors.

(Ord. 78-5).

96-2.410 Supplementary plans and documents.

Supplementary plans and documents shall include grading plans, hydrology, hydraulic computations and structural computations as required.

(Ord. 78-5).

Article 96-2.6. Appeal

96-2.602 Appeal procedure.

Appeal to the board of supervisors shall be made within fifteen working days on any conditions stated by the public works department relative to the improvement plans and not agreed to by the subdivider.

(Ord. 78-5).

Chapter 96-4 CONSTRUCTION WORK

Article 96-4.2. Inspection

96-4.202 General.

All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the public works department.

(Ord. 78-5).

96-4.204 Right of entry.

The public works department, the building inspection department and the flood control district shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the ~~workmanship~~professional services rendered are in accordance with the requirements of this title.

(Ord. 78-5).

96-4.206 Work prior to inspection.

If any of the work on improvements is done by the subdivider prior to the completion of review of the improvement plans and payment of the inspection fee, or prior to the inspection of the improvements as required by the public works department, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdivider.

(Ord. 78-5).

96-4.208 Fee.

Prior to commencement of construction, the subdivider shall pay to the public works department the cost for the inspection of the work and checking and testing of the materials as established and adopted by the board of supervisors from time to time by resolution, less the amount of the improvement plan review fee. If any portion of the work has been done prior to the time of depositing the fee, the subdivider shall pay to the county all necessary costs plus fifteen percent thereof, for the inspection and testing required to verify the quantity and quality of the work done.

(Ord. 78-5).

Article 96-4.4. Completion

96-4.402 General.

The subdivider shall prosecute the work to completion without undue delay except for inclement weather or other reasonable causes.

(Ord. 78-5).

96-4.404 Penalty for delay in completion.

Delay in completion of the work beyond the period stated in the subdivision agreement, unless an extension thereof is approved by the public works department or board of supervisors and any involved corporate surety or financial institution, may result in forfeiture of the cash deposit and/or security, or a portion thereof, for the completion of the work. A one-year extension may be approved by the public works department. Any further extension can only be approved by the board of supervisors. Prior to the approval of any extension, the public works department shall review the sufficiency of the security and remaining work to be done.

(Ord. 78-5).

Article 96-4.6. Acceptance

96-4.602 Recommendation by public works department.

When all improvement work required by the improvement plans is complete to the satisfaction of the public works department, it shall notify the board of supervisors that such work has been satisfactorily completed and recommend the acceptance thereof.

(Ord. 78-5).

96-4.604 Resolution of acceptance.

Upon satisfactory completion of all work required to meet the requirements of this title and its acceptance, the board of supervisors shall file a resolution of acceptance.

(Ord. 78-5).

Chapter 96-6 STREET LIGHTING

Article 96-6.2. Facilities

96-6.202 General.

To promote public health, safety and welfare, especially traffic safety and crime deterrence, the subdivider shall provide street lighting facilities for proposed subdivisions to be located as set forth in Sections 96-6.204 through 96-6.218. The provisions of this chapter shall be applicable only in public streets, or streets intended and designed to become public streets, and to public street lighting facilities.

(Ords. 79-18 § 1, 78-5, 67-19: prior code § 8476).

96-6.204 Near school sites.

Street lighting facilities shall be provided along all streets within one mile of an existing school or school site approved by the local school board. The one-mile distance shall be measured along the shortest pedestrian route available or planned, measured from the closest boundary of the school and the subdivision.

(Ord. 78-5).

96-6.206 R-12 or higher density districts.

Street lighting facilities shall be provided along all streets wherein the area is zoned R-12 or in land use districts having a higher density.

(Ord. 78-5).

96-6.208 Areas zoned for multiple family, business or commercial uses.

Street lighting facilities shall be provided along all streets within any portion of a subdivision zoned for multiple family, business or commercial land uses.

(Ord. 78-5).

96-6.210 Existing public streets.

The requirements set forth in Sections 96-6.202 through 96-6.208 apply to the portions of any existing public street abutting the subdivision.

(Ord. 78-5).

96-6.212 Construction plans.

Following approval of the tentative map, the subdivider shall prepare and submit for approval, as part of the improvement plans for the subdivision, construction plans for the street lighting improvements required by this title.

(Ord. 78-5).

96-6.214 Size, type and location designation.

The improvement plans shall show the size, type and location of each public street light, and shall bear the written approval by the public utility which proposes to serve the lighting system.

(Ords. 79-18 § 2, 78-5, 67-19: prior code § 8476(e)).

96-6.216 Intersections.

The public works department may require upgrading of existing or proposed lights at intersections where deemed necessary to prevent a hazard to traffic or pedestrians.

(Ord. 78-5).

96-6.218 Review of plans.

The public works department's review of the street lighting part of the improvement plans, when street lighting facilities are required, shall be a condition precedent to the approval of the final map or parcel map for the subdivision by the board of supervisors.

(Ord. 78-5).

96-6.220 Service rates.

The public works director shall select the appropriate lighting rate from the current street lighting rates established by the California Public Utilities Commission, and determine the appropriate fee.

(Ords. 79-18 § 3, 78-5, 71-40 § 1, 67-19: prior code § 8476(j)).

96-6.222 Street light ownership.

All street lighting systems shall be jointly owned and operated by the county and the serving public utility company, under the jurisdiction of and as provided for by the California Public Utilities Commission, unless other adequate arrangements are approved by the planning commission. Neither the county nor any county service area (street lighting) shall be bound or obligated for the cost of procurement or erection of ornamental street lighting standards, or for the cost of equipment or installation of any underground wiring system.

(Ords. 79-18 § 4, 78-5, 67-19: prior code § 8478(c)).

96-6.402 Placement.

Whenever possible, street light poles and other street lighting facilities shall be placed on lot lines and at intersections in accordance with the minimum requirements regarding spacing and lamp size for all new street lighting to be established by the board of supervisors on the recommendation of the public works department. Street lighting shall be installed only within the right-of-way dedicated to the public and designed to be accepted for maintenance by the county.

(Ord. 78-5).

96-6.404 Underground wiring.

Wiring for street lighting purposes shall be installed underground and shall conform to the standards of the county and the public utility which proposes to serve the street lighting systems.

(Ords. 79-18 § 5, 78-5, 67-19: prior code § 8477(b)).

96-6.406 Electrolier installation.

When the subdivider requests installation of street lighting, electroliers must be furnished and installed in accordance with the requirements of the county and the serving utility company, before acceptance per Section 96-4.602.

(Ords. 79-18 § 6, 78-5, 67-19: prior code § 8477 (d)).

96-6.408 Ornamental poles.

Residential and commercial street lighting poles may be of an ornamental type acceptable to the board of supervisors when they meet the current standards of the county and the serving public utility company.

(Ords. 79-18 § 7, 78-15, 67-19: prior code § 8477(d)).

96-6.410 Conformance to standards.

All electrical equipment and installation shall conform to the applicable standards of the following, as they now exist or may hereafter be amended:

(1) Electrical safety orders of the Division of Industrial Safety, Department of Industrial Relations, State of California;

(2) Rules for Overhead Electric Line Construction, General Order No. 95 of the California Public Utility Commission;

(3) Standard Specifications of the serving public utility company.

(Ord. 78-5).

Article 96-6.6. County Service Areas (Street Lighting)

96-6.602 Request for street lighting service.

Before approval of the final map or parcel map of any subdivision in which the installation of street lighting facilities is required, the subdivider shall file a request with the local agency formation commission, copy to public works department, for approval of annexation of the subdivision to a county service area for the purpose of financing the street lighting, maintenance and replacement costs, unless the subdivision is already contained within the boundaries of a county service area authorized to supply street lighting.

(Ord. 78-5).

96-6.604 Legal description.

The request shall be accompanied by a legal description of the exterior boundaries and map showing the boundaries of the area to be annexed with sufficient bearings and distances to correctly describe the boundary. The map shall give such supplementary information as is necessary to accurately locate the area in relation to local streets, city boundaries, or adjacent subdivision.

(Ord. 78-5).

Article 96-6.8. Energizing Costs

96-6.802 Deposit required.

Prior to approval of the final map or parcel map, the subdivider shall deposit money with the public works department, sufficient in amount to energize, de-energize, re-energize, and/or maintain the lights shown on the public street lighting part of the improvement plans for one year.

(Ords. 79-18 § 8, 78-15, 67-19: prior code § 8478(b)).

96-6.804 Disposition of deposit.

The one-year lighting deposit shall be used to pay the cost of energizing, de-energizing, re-energizing and/or maintaining the lights from the acceptance of the road and from fifty percent occupancy of the subdivision until revenues are available to defray such costs.

(Ords. 79-18 § 9, 78-15, 67-19: prior code § 8478(b)).

96-6.806 Unexpended deposit.

Any unexpended deposit shall be deposited to the credit of the lighting service area to which the subdivision was annexed.

(Ord. 78-5).

Chapter 96-8 SIDEWALKS AND PATHS

Article 96-8.2. Paths

96-8.202 Along rear or side line of lots.

Where paths are established along the rear or side lines of lots, the path shall be entirely within the lot and contiguous to the rear line or side line of the lot, and the path shall be shown in dashed lines.

(Ord. 78-5).

96-8.204 Easements.

Easements not less than six feet wide shall be provided for pedestrian paths when required for the public convenience.

(Ord. 78-5).

96-8.206 Surfacing.

Pedestrian paths shall be surfaced with the same material of the same thickness specified below for sidewalks and for a width of at least five feet.

(Ord. 78-5).

Article 96-8.4. Sidewalks

96-8.402 Locations.

Portland cement concrete sidewalks shall be provided at the following locations within the subdivision:

(1) Along all thoroughfares;

(2) Along all arterials, collector and minor streets which serve as direct access to schools within one mile of an existing school or school site approved by the local school board. The one-mile distance shall be measured along the shortest pedestrian route available or planned, measured from the closest boundary of the school site and subdivision;

(3) Along all streets wherein the area is zoned R-12 or in land use districts having a higher density;

(4) Along all streets within any portion of a subdivision zoned for multiple family, business, or commercial land uses.

(Ord. 78-5).

96-8.404 Width and thickness.

Sidewalks shall be at least four feet wide, exclusive of curbs, and not less than three and five-eights inches thick.

(Ord. 78-5).

96-8.406 Obstruction restriction.

Sidewalks less than six feet in width shall not be obstructed by utility installations, mailboxes or by planting.

(Ord. 78-5).

96-8.408 Relationship to curbs.

Sidewalks adjacent to curbs shall be monolithic with curb if curbs did not exist prior to commencement of work included under the subdivision agreement. Sidewalks shall be adjacent to curbs unless the conditions of approval of the tentative map provide otherwise.

(Ord. 78-5).

96-8.410 Relationship to right-of-way.

Sidewalks shall be fully within the street right-of-way.

(Ord. 78-5).

Chapter 96-10 UNDERGROUND UTILITIES

96-10.002 Exceptions.

All utility distribution facilities, including but not limited to electric, communication and cable television lines, within any residential or commercial subdivision shall be placed under ground, except as follows:

(1) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;

(2) Metal poles supporting street lights.

(Ord. 78-5).

96-10.004 Responsibility of subdivider.

The subdivider is responsible for complying with the requirements of this chapter and shall make the necessary arrangements with the utility companies involved for the installation of the facilities. The advisory agency may grant exceptions as provided in Chapter 92-6 if topographical, soil, or other conditions make underground installation of the facilities unreasonable or impractical.

(Ord. 78-5).

96-10.006 Application of chapter.

These requirements apply to those portions of any existing public streets abutting the subdivision.

(Ord. 78-5).

Chapter 96-12 CURBS AND GUTTERS

Article 96-12.2. General

96-12.202 Conditions requiring curbs.

Curbs shall be required under any of the following conditions:

(1) The subdivision is within an R-20 district or a district having a smaller lot size;

(2) The grade of the street is less than one percent or more than six percent;

(3) The street frontage between adjacent sections of curb is less than five hundred feet;

(4) The subdivision is for commercial or industrial purposes.

(Ord. 78-5).

96-12.204 Block requirements.

If curbs are required in any portion of a block within the subdivision, the entire frontage along that block shall be curbed.

(Ord. 78-5).

96-12.206 Minimum grade.

The minimum grade for curbs and gutters shall be one percent except a reduction may be authorized by the public works department.

(Ord. 78-5).

96-12.208 Designation on improvement plans.

Improvement plans shall show curb profiles, including profiles for all curb returns and cul-de-sacs.

(Ord. 78-5).

96-12.210 Minimum elevations.

Minimum top of curb elevations shall conform to Chapter 914-8.

(Ord. 78-5).

Article 96-12.4. Turnarounds

96-12.402 Cul-de-sac.

A paved turnaround shall be provided at the ends of cul-de-sac streets. The radius for the edge of pavement, or curbline, shall be thirty-five feet.

(Ord. 78-5).

96-12.404 Radii for curb returns.

Curblines at street intersections and turnarounds shall be constructed on a curve having a radius equal to that shown below:

Standard Radius for Curb Returns

(1) All residential street intersections, twenty feet;

(2) Cul-de-sac turnaround, thirty-five feet;

(3) Industrial street intersections, thirty feet.

(Ord. 78-5).

96-12.406 Private road turnaround.

A paved turnaround area shall be provided at the end of any private road serving more than two lots. The radius for the edge of the pavement shall be thirty-five feet. Alternate turnaround provisions may be approved if adequate paved area is provided to accommodate normal residential traffic.

(Ord. 78-5).

Article 96-12.6. Driveways

96-12.602 Encroachment permit required.

An encroachment permit shall be obtained from the public works department before construction of any driveway.

(Ord. 78-5).

Chapter 96-14 MISCELLANEOUS

96-14.002 Improvement of county streets.

Frontage improvements shall be provided on all existing county streets adjacent to any subdivision to the standards required by this title and the adopted county general plan. The subdivider will be required to provide frontage improvements and pavement widening on the side or sides of the roadway adjacent to the subdivision, including the adjustments of all existing public utilities owned and operated by public jurisdictions.

(Ord. 78-5).

96-14.004 Fire hydrants.

The subdivider shall arrange for the installation of fire hydrants at locations designated by the local fire district and shall pay all costs in connection therewith. In those areas outside of the East Bay Municipal Utility District, the subdivider shall pay to the public works department an amount equal to two years' rental for fire hydrant service, which shall be forwarded through the auditor-controller to the serving fire protection district or fire district.

(Ord. 78-5).

Division 98. STREETS

Chapter 98-2 GENERAL

98-2.002 Conformance to general plan.

The design, layout, width, circulation, and other design aspects of streets in a subdivision shall conform to the locations which may have been shown on the general plan or in all cases shall provide advantageous development for the general planning area within which the subdivision lies.

(Ord. 78-5).

98-2.004 Reserve strips.

Reserve strips controlling the access to streets or other public rights-of-way shall not be approved unless such strips are necessary for the protection of the public welfare or property rights.

(Ord. 78-5).

98-2.006 Designation on final map or parcel map.

The final map or parcel map shall show the monument line of each street, the boundary of each street, including the width of the portion of any fractional street being dedicated, the width of existing road rights-of-way from public records, and the widths on each side of the monument line of whole streets. The widths and locations of adjacent streets shall be shown as determined from public records. Whenever the public works department or a city engineer has established either the centerline or monument line of the street and such information is made a public record, this location and data shall be shown on the final map or parcel map.

(Ord. 78-5).

98-2.008 Angle of intersection.

All streets shall intersect as nearly as possible at right angles.

(Ord. 78-5).

98-2.010 Centerlines.

Streets entering on opposite sides of any given street shall have their centerlines directly opposite each other, or the centerlines shall be offset by at least one hundred fifty feet.

(Ord. 78-5).

98-2.012 Distance between streets.

The minimum distance between streets entering a thoroughfare shall be eight hundred feet.

(Ord. 78-5).

98-2.014 Block length.

Block lengths shall not exceed one thousand feet.

(Ord. 78-5).

98-2.016 Street name approval.

Street names shall be subject to the approval of the planning department.

(Ord. 78-5).

98-2.018 Street name signs.

The subdivider shall furnish and install necessary street name signs in accordance with details approved by the public works department.

(Ord. 78-5).

98-2.020 Conditions requiring grade separation.

If a subdivision borders on, or contains a railroad right-of-way, a limited access freeway, or similar type of facility, the advisory agency may require that the street plan be considered in its relation to the probability of grade separation.

(Ord. 78-5).

98-2.022 Classification.

The classes of streets shall be as follows: thoroughfares, arterials, collectors, minors, industrial streets and private roads.

(Ord. 78-5).

98-2.024 Traffic safety devices.

The subdivider shall furnish and place such traffic safety devices within, or adjacent to, the subdivision as may be specified by the public works department.

(Ord. 78-5).

98-2.026 Intersections.

(a) Street intersections shall be designed to provide reasonable approaches from side streets, and to provide smooth continuous flow of drainage without overflow across the intersection.

(b) Valley gutters shall be provided to carry drainage across intersections only if underground drainage facilities cannot reasonably be provided. Valley gutters shall not be permitted across arterial streets. Valley gutters shall be on a continuous minimum grade of one percent, reduction of which may be approved by the public works department.

(Ord. 78-5).

Chapter 98-4 WIDTH

98-4.002 Minimum requirements.

The minimum width of pavement and rights-of-way of the various classes of streets shall be as shown on the following table:

	Width of Pavement		Class
Class	w/ curbs	w/o curbs	Right-of-way
Thoroughfare & arterials			
Two-lane	40 feet		60 feet
Four-lane undivided	64 feet	64 feet	84 feet
Four-lane divided	80 feet		100 feet
Industrial two-lane	48 feet		68 feet
Industrial four-lane	64 feet		84 feet
Collector streets	36 feet	36 feet	56 feet
Minor streets	32 feet	36 feet	52 feet
Private roads		16 feet	25 feet

(Ord. 78-5).

98-4.004 Measurement.

The width of roadway shall be measured normal to the centerline between the top face of the curbs, or edges of the pavement, not including roadside ditches.

(Ord. 78-5).

98-4.006 Exceptions.

Exceptions to the widths set forth in Section 98-4.002, because of terrain conditions in hillside areas, shall be considered on the basis of cross-sections and other evidence to be submitted by the subdivider.

(Ord. 78-5).

Chapter 98-6 GRADES

98-6.002 Maximum limits.

Maximum street grades shall not exceed the following limits:

(1) Arterial streets, eight percent;

(2) Collector streets, fifteen percent;

(3) Minor streets, twenty percent;

(4) Private road, twenty percent;

(5) Driveway, twenty-five percent.

(Ord. 78-5).

98-6.004 Minimum limits.

The minimum uniform grade for all classes of streets shall not be less than one percent, except reduction to not less than one-half of one percent may be authorized by the public works department.

(Ord. 78-5).

98-6.006 Pavement across intersection.

The grade of the pavement surface across an intersection shall not be more than six percent.

(Ord. 78-5).

98-6.008 Streets entering intersection.

The centerline grade of each street entering an intersection shall not be more than six percent within a distance of thirty feet from the nearest curbline of the intersected street.

(Ord. 78-5).

98-6.010 Vertical curves.

Changes of grade in vertical alignment of streets shall be made with parabolic vertical curves. The design of such curves shall be in accordance with standards outlined in the California Division of Highways "Highway Design Manual."

(a) "Stopping sight distance" shall be provided for the following design speeds:

(1) Arterial and industrial streets, forty miles per hour;

(2) Collector streets, thirty miles per hour;

(3) Minor streets, twenty miles per hour;

(4) Private roads, fifteen miles per hour.

(b) "Headlight sight distance" shall be provided for sag vertical curves in accordance with these requirements, except where installation of street lights eliminates any sight restriction due to lighting.

(Ord. 78-5).

98-6.012 Minimum length of vertical curve.

The minimum length of a vertical curve shall be fifty feet for minor streets and private roads, one hundred feet for collector streets, and two hundred feet for arterials.

(Ord. 78-5).

98-6.014 Earth slopes in cuts or embankments.

Earth slopes in cuts or embankment sections shall not be steeper than one and one-half feet horizontal to one foot vertical, unless steeper slopes have been approved based on a report submitted by a soil engineer. The soil report shall be filed with the public works department.

(Ord. 78-5).

98-6.016 Horizontal curves.

(a) Changes in direction of the streets shall be made with horizontal circular curves, with the edges of the pavement and curblines parallel to and equidistant from the centerline of the right-of-way.

(b) The radius of curvature in the centerline of the street shall not be less than:

(1) Arterial street, six hundred fifty feet;

(2) Collector street, two hundred feet;

(3) Minor street, seventy-five feet;

(4) Private road, twenty-five feet.

(Ord. 78-5).

Chapter 98-8 PAVEMENT

Article 98-8.2. Design

98-8.202 General.

The structural design of the pavement includes the determination of the thickness and type of subbase, base, and surfacing to be placed over the basement soil according to an accepted method used by the public works department. The public works department shall specify the structural design for the streets.

(Ord. 78-5).

98-8.204 Soil tests.

The subdivider, at the subdivider's~~his~~ expense, may make tests of the soil over which the surfacing and base is to be constructed and furnish the test reports to the public works department for use in determining a preliminary structural design of the roadbed. Tests and pavement structural design will be made by the public works department after the payment of the inspection fee.

(Ord. 78-5).

98-8.206 Thickness of base material and surfacing.

In no case shall the thickness of the base material be less than five-tenths of one foot, nor shall the thickness of asphalt concrete surfacing be less than fifteen-hundredths of a foot.

(Ord. 78-5).

98-8.208 Crown.

The pavement crown and geometric design of the street cross-section shall be shown and dimensioned on the improvement plans, and shall conform to accepted design standards. The minimum cross-slope shall be two percent. On street grades over six percent, a five percent cross-slope shall be provided adjacent to the curb and gutter for a distance of not less than ten feet from the face of the curb, reduction of which may be approved by the public works department. Crown requirements are waived for private roads.

(Ord. 78-5).

Chapter 98-10 STREET TREES

98-10.002 Removal.

All trees conflicting with the grading, utilities, or other improvements, or overhanging the sidewalk or pavement so as to form a nuisance or hazard, shall be removed or trimmed to eliminate such nuisance or hazard.

(Ord. 78-5).

98-10.004 Approval of species and planting.

Trees to be planted along the street within the right-of-way shall be of such species and be planted in such locations as may be approved by the public works department.

(Ord. 78-5).

98-10.006 Encroachment permit.

An encroachment permit shall be obtained from the public works department for street tree planting.

(Ord. 78-5).

Division 912. SURVEY MONUMENTS

Chapter 912-2 GENERAL PROVISIONS

912-2.002 Conformance to approved standards.

The subdivider shall construct permanent survey monuments at the locations specified on the filed subdivision map. The monuments and appurtenances shall conform to approved standards and details prescribed by the public works department.

(Ord. 78-5).

912-2.004 Allowable error.

The allowable field survey error shall not exceed one part in five thousand in distance, or thirty seconds in angular measurement.

(Ord. 78-5).

912-2.006 Establishment of survey measurements.

Establishment of all survey measurements shall be certified to in writing by the engineer to the public works department prior to acceptance of street improvements.

(Ord. 78-5).

912-2.008 Drainage easements.

Along all portions of natural channels or watercourses within or bordering upon the subdivision, all angle points and intersections at lot lines or drainage easements shall be marked on the ground in such a manner as to be readily identified on visual inspection as those which appear upon the final map or parcel map.

(Ord. 78-5).

Division 913. BRIDGE CROSSINGS AND MAJOR THOROUGHFARES

Chapter 913-2 GENERAL

913-2.202 Purpose.

This division effectuates the Subdivision Map Act (Government Code Sections 66410 and following), including future amendments thereto, and constitutes the ordinance referred to in Section 66484 therein.

(Ord. 79-80).

913-2.204 Regulations.

The board of supervisors, from time to time by resolution, may issue regulations to establish administrative, procedural, interpretative, and policy direction concerning the provisions of this division.

(Ord. 79-80).

Article 913-2.4. Definitions

913-2.402 General.

Unless otherwise specifically provided, or required by the context, the following terms have these meanings in this division; and these terms and all provisions in this division are to effectuate Government Code Section 66484 and shall be interpreted and applied accordingly.

(Ord. 79-80).

913-2.404 Area of benefit.

"Area of benefit" means an area, not necessarily contiguous, which is determined by the public works director to be benefited by a proposed bridge or major thoroughfare, and which is established by the board of supervisors.

(Ord. 79-80).

913-2.406 Bridge.

"Bridge" means a bridge where the transportation or flood control provisions of the circulation element of the general plan identify railways, freeways, streams or canyons for which bridge crossings are required on general plan or local roads, if the county adopted such provisions effective at least thirty days before the filing of a final map or an application for a building permit.

(Ord. 79-80).

913-2.408 Building inspector.

"Building inspector" means the county's director of building inspection and includes the director's ~~his~~ duly authorized subordinates.

(Ord. 79-80; see § 72-2.001).

913-2.410 Circulation element.

"Circulation element" means the part of a general plan required and described in Government Code Section 65302(b).

(Ord. 79-80).

913-2.412 Construction.

"Construction" means design, acquisition of right-of-way, administration of construction contracts, and actual construction.

(Ord. 79-80).

913-2.414 General plan.

"General plan" means the statement of development policies adopted by the County pursuant to Article 5 of Chapter 3 of the Planning and Zoning Law Government Code Sections 65300 and following).

(Ord. 79-80).

913-2.416 Major thoroughfares.

"Major thoroughfares" means those major thoroughfares, identified in the circulation element, whose primary purpose is to carry through traffic and provide a network connecting to the state highway system, if the county adopted such circulation element effective at least thirty days before the filing of a final map or an application for a building permit.

(Ord. 79-80).

913-2.418 Public works director.

"Public works director" means the county's directors of public works or community development and includes their duly authorized subordinates.

(Ords. 86-39 § 2, 79-80; see § 24-22.006).

Chapter 913-4 REQUIREMENTS

913-4.202 Subdivisions.

As a condition of approval of a final map, the subdivider of land, any portion of which is located in an area of benefit, shall pay the fee established and apportioned to that land within the area of benefit pursuant to this division for the purpose of defraying the actual or estimated cost of constructing bridges and/or major thoroughfares.

(Ord. 79-80).

913-4.204 Building permits.

As a condition of approval of a building permit, an owner of property, any portion of which is located in an area of benefit, shall pay the fee established and apportioned to that property within the area of benefit pursuant to this division for the purpose of defraying the actual or estimated cost of constructing bridges and/or major thoroughfares.

(Ord. 79-80).

913-4.402 Existing roads/bridges.

Notwithstanding the provisions of Article 913-4.2, payment of fees shall not be required for major thoroughfares unless such major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit, or for bridge facilities unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Such fees shall not be expended to reimburse the cost of existing bridge facility construction.

(Ord. 79-80).

913-4.404 Existing buildings.

Notwithstanding the provisions of Article 913-4.2, payment of such fees shall not be required as a condition of issuing a building permit for the following:

(1) The alteration or enlargement of an existing building or structure, and/or the erection of any building(s) or structure(s) accessory thereto, on the same parcel of land, provided all the following conditions are met:

   (A) The total value, as determined by the building inspector, of all such work proposed to be or actually completed within any three-year period does not exceed one-half of the value (as shown on the Assessor's records) of all existing improvements on that parcel of land,

   (B) The work does not change the classification of occupancy as defined by Section 501 of the Uniform Building Code, and

   (C) The work will not change the potential for traffic generation or traffic attraction;

(2) Any alteration or enlargement of an existing residential building or structure not creating an additional dwelling unit;

(3) Private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops, stables, pools, patios, and other buildings which are accessory to one-family or two-family dwellings;

(4) Outdoor advertising structures;

(5) Agricultural buildings or structures.

(Ord. 79-80).

913-4.406 No double payment.

No property will be assessed a fee under this division for both a final map and a building permit.

(Ord. 79-80).

Article 913-4.6. Reduction of Fee

913-4.602 In lieu considerations.

In its discretion, the board of supervisors may accept considerations (such as land, easements, dedications, structures, or construction) in lieu of the payment of fees, if it finds that the considerations are equivalent in value to the fees apportioned under this division and that such in lieu consideration will serve the purpose of this division.

(Ord. 79-80).

913-4.604 In lieu dedication.

The county may require or accept the dedication and/or improvement of right-of-way along a major thoroughfare and may reduce the fees apportioned to a parcel by an amount equal to the value of the right-of-way and improvements, as determined by the public works director, if that value was included in the calculation of the fee.

(Ord. 79-80).

913-4.606 Fee added condition.

Nothing in this division shall relieve a developer from the requirements of this code to dedicate lands for public roads and improve public roads as a condition of approval of a final map, or as a condition of issuing a building permit.

(Ord. 79-80).

Chapter 913-6 PROCEDURES

913-6.002 Report.

The directors of public works and planning shall prepare a report for each proposed area of benefit for which a fee under this division is to be imposed, and shall file it with the clerk of the board of supervisors. The clerk shall fix a time, date, and place for board hearing thereon and for filing objections or protests thereto.

(Ords. 79-85 § 1, 79-80).

913-6.004 Contents.

The report shall contain information and data related to the boundaries of the area of benefit, the estimated costs of the proposed improvement, the method(s) of fee apportionment, and the anticipated revenue source(s), including any general fund revenues. It must be based on a development program for the area adopted by the board.

(Ords. 86-39 § 3, 79-85 § 2, 79-80: Govt. C. § 65962).

913-6.006 Method of fee apportionment.

The public works director shall compute and apportion the fee by any formula(s) or method(s) which fairly distributes the fee among all subject parcels in proportion to the estimated benefits they will receive from the proposed improvement.

(Ord. 79-80).

913-6.008 Apportionment—Major thoroughfares.

In the case of major thoroughfares, the method of fee apportionment shall not provide for higher fees on land which abuts the proposed improvement, except where the abutting property is provided direct usable access to the major thoroughfare.

(Ord. 79-80).

913-6.010 Fee applicable to all property.

Such apportioned fees shall apply to all property within the area of benefit.

(Ord. 79-80).

913-6.012 Exempted property.

Where the area of benefit includes property not subject to the payment of fees pursuant to this division, the board shall provide for payment of the share of improvement costs apportioned to such property from other sources.

(Ord. 79-80).

913-6.014 Notice of hearing.

The public works director shall give notice of the hearing, in accordance with the provisions of Government Code Section 65091, and the notice shall include the information specified in Government Code Section 66484(2).

(Ords. 86-39 § 4, 79-80).

913-6.016 Protest.

At any time not later than the hour set for hearing, any owner of property situated within the area of benefit may protest the proposed area of benefit, method of apportioning the fee, or the improvement, or all of them. Such protest must be in writing and must contain a description of the property in which each signer of the protest is interested, sufficient to identify it, and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the clerk of the board, and no other protests or objections shall be considered.

(Ord. 79-80).

913-6.018 Withdrawal of protest.

Any protest may be withdrawn in writing by the owner making it, at any time before the conclusion of a public hearing held under the provisions of this division.

(Ord. 79-80).

913-6.020 Majority protest.

If, within the same time when protests may be filed under the provisions of Section 913-6.016, there is filed a written protest by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to one-half of that to be benefited, or less, then the proposed proceedings shall be abandoned, and for one year from the filing of that protest the board shall not commence or carry on any proceedings for the same improvement or acquisition under the provisions of this division. Nothing in this division shall preclude the processing and recordation of maps in accordance with other provisions of this Title 9 if proceedings are abandoned.

(Ord. 79-80).

913-6.022 Partial protest.

If any majority protest is directed against only a portion of the improvement, all further proceedings under the provisions of this division to construct that portion of the improvement so protested against shall be barred for a period of one year, but the board may begin new proceedings not including any part of the improvement or acquisition so protested against. The board, within such one-year period, may commence and carry on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

(Ord. 79-80).

913-6.024 Hearing.

The board shall hear the matter as scheduled, or as postponed or continued for good cause, and consider any objections or protests. At such hearing, the board may then adopt, revise, reduce or increase any portion of the report. The board, by ordinance, shall establish the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment; and the board must find that the road and/or bridge improvements are necessary and desirable within the area of benefit.

(Ords. 86-39 § 5, 79-85 § 3, 79-80).

913-6.026 Recording.

The clerk of the board shall promptly file a certified copy of this ordinance with the county recorder.

(Ords. 86-39 § 6, 79-80).

Chapter 913-8 FINANCIAL PROVISIONS

913-8.002 Establishment of fund.

A fund shall be established for each planned bridge facility and each planned major thoroughfare project. If the area of benefit is one in which more than one bridge is required to be constructed, a fund may be established covering all of the bridge projects in the area.

(Ord. 79-80).

913-8.004 Deposit of fees.

Fees paid pursuant to this division shall be deposited in a planned bridge or major thoroughfare fund.

(Ord. 79-80).

913-8.006 Use of money.

Money in such fund shall be expended solely to defray the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county for the cost of constructing those improvements.

(Ord. 79-80).

913-8.008 Advance by county.

The county may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge or major thoroughfares funds established under this chapter.

(Ord. 79-80).

913-8.010 Debts.

The county may incur an interest-bearing indebtedness for the construction of bridges or major thoroughfares; but the sole security for repayment of such indebtedness shall be the money in the planned bridge or major thoroughfares funds.

(Ord. 79-80).

913-8.012 County funds.

The county may provide funds for the construction of bridges or major thoroughfares to defray costs not allocated to the area of benefit.

(Ord. 79-80).

Division 914. DRAINAGE

Chapter 914-2 MINIMUM REQUIREMENTS

914-2.002 Onsite collect and convey requirements.

(a) All portions of the subdivision shall be protected from flood hazard, inundation, sheet overflow and ponding of storm waters, springs and all other surface waters. All finished floors shall be above the water surface of a one-hundred-year frequency storm runoff from the maximum potential development of the drainage basin or watershed.

(b) All surface waters occurring within the subdivision, as well as all surface waters flowing into and/or through the subdivision, shall be collected and conveyed through the subdivision without damage to any improvement, building site or dwelling which may be constructed within the subdivision.

(c) Storm drainage facilities within the subdivision shall be designed and constructed in compliance with the requirements of this title and with current ordinance specifications and design standards of the public works department, so as to adequately convey with sufficient freeboard the storm water runoff from the maximum potential development of the drainage basin or watershed.

(d) As required by Section 94-4.214, the final map or parcel map shall include a dedication to the county or other public agency of land rights for construction, maintenance and operation of all necessary storm drainage and access facilities. The land rights shall conform with the width and other requirements of Chapter 914-14.

(Ords. 89-28, 78-5).

914-2.004 Offsite collect and convey requirements.

(a) All surface waters flowing from the subdivision in any form or manner shall be collected and conveyed without diversion or damage to any improvement, building or dwelling to a natural watercourse having a definable bed and banks, or to an existing public storm drainage facility having adequate capacity to its point of discharge into a natural watercourse, or the advisory agency, in its discretion, may require that flows from the subdivision be regulated so as not to exceed the capacity of watercourses downstream when considered with regard to the development potential of the drainage basin or watershed.

(b) Storm drainage facilities outside the subdivision shall be designed and constructed in compliance with the requirements of this title and with current ordinance specifications and design standards of the public works department, so as to adequately convey with sufficient freeboard the storm water runoff from the maximum potential development of the drainage basin or watershed.

(c) Wherever surface waters must be collected or conveyed beyond the boundaries of the subdivision in order to discharge into a natural watercourse or into an existing adequate public storm drainage facility, the

subdivider shall comply with either subsection (d), (e) or (f) of this section, prior to filing of the final map or parcel map.

(d) The subdivider shall deposit with the public works department:

(1) A copy of a duly recorded conveyance from the adjacent property owners, in a form and content acceptable to the public works director, granting to the subdivider the land rights to construct, maintain and operate all necessary storm drainage and access facilities; and

(2) A copy of a duly recorded offer of dedication from the adjacent property owners, in a form and content acceptable to the public works director, offering to dedicate to the county or other public agency sufficient land rights for construction, maintenance and operation of all necessary storm drainage and access facilities.

(3) Such documents shall be obtained from all property owners between the boundaries of the subdivision and the point at which the surface waters will be discharged into a natural watercourse having definable bed and banks or an existing adequate public storm drainage facility. The land rights shall conform with the width and other requirements of Chapter 914-14.

(e) The subdivider shall deposit with the public works department a copy of a duly recorded drainage release from the adjacent property owners, in a form and content acceptable to the county counsel, accepting the flow of surface waters from the subdivision onto and over that property, without liability by the county for damages occurring therefrom. Such releases shall be obtained from all property owners between the boundaries of the subdivision and the point at which the surface waters will enter a natural watercourse having definable bed and banks or an existing adequate public storm drainage facility.

(f) The subdivider shall present written evidence which proves to the satisfaction of the public works department that it is not feasible to obtain by negotiation from the adjacent property owners either a drainage release, or land rights, and shall comply with the requirements of Section 94-4.413. The board, in its sole discretion, may then authorize the institution of condemnation proceedings to acquire the land rights at the subdivider's expense.

(Ord. 89-28, 78-5; Gov. Code, § 66462.5).

914-2.006 Storm water disposal restrictions.

Storm waters flowing from the subdivision in any form or manner shall not be permitted to flow into any water conveyance facility of the Contra Costa Canal, nor into any other water conveyance or impounding facility for domestic water consumption.

(Ords. 89-28, 78-5).

914-2.008 Runoff quantity determination.

Runoff quantities shall be determined by methods consistent with current engineering practices using basic data supplied by the public works department for the frequency of the average recurrence interval stipulated in Section 914-2.010.

(Ords. 89-28.78-5).

914-2.010 Drainage facilities — Minimum capacities.

(a) Storm drainage facilities directly affecting the subdivision shall have the following minimum capacities:

(1) Major drainage facilities (i.e., those serving a watershed area four square miles or greater) shall have adequate capacity to contain with sufficient freeboard a fifty-year frequency of average recurrence interval runoff and contain without freeboard a one-hundred-year average recurrence interval runoff;

(2) Secondary drainage facilities (i.e., those serving a watershed area one square mile or greater but less than four square miles) shall have adequate capacity to contain with sufficient freeboard a twenty-five-year frequency of average recurrence interval runoff;

(3) Minor drainage facilities (i.e., those serving a watershed area less than one square mile) shall have adequate capacity to contain with sufficient freeboard a ten-year frequency of average recurrence interval runoff.

(b) As used in this division, the terms "storm drainage facility" and "drainage facility" shall include, without limitation, channels, ditches, conduits (e.g., pipes and culverts), detention basins and all appurtenances.

(Ords. 89-28, 78-5).

914-2.012 Reimbursement for supplemental capacity storm drain improvements.

The county may require that a developer install storm drain improvements for the benefit of the development that may contain supplemental size, capacity, number, or length for the benefit of property not within the development and that such improvements shall be dedicated to the public. In the event of the installation of such improvements, the county shall enter into an agreement with the developer to reimburse the developer for that portion of the cost of such improvements equal to the difference between the amount it would have cost the developer to install such improvements to serve the development only and the actual cost of such improvements. Nothing set forth in this section shall prohibit the county from denying a development where reimbursement funds are unavailable and the developer refuses to construct the improvements necessary to mitigate impacts of the proposed development at the developer's ~~his or her~~ cost.

(a) The county may utilize any of the following methods to pay the cost of administration and reimbursement:

(1) Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the development, a reasonable charge for such use;

(2) Contribute to the developer that part of the cost of the improvements that is attributable to the benefit of real property outside development and levy a charge upon the real property benefited to reimburse itself for such cost paid to the developer;

(3) Establish and maintain local benefit areas for the levy and collection of such charge or costs from the property benefitted;

(4) Condition as part of the entitlement process property outside the development to pay their proportionate share of costs of such facilities attributed to their benefit.

(b) This section will not apply to storm drain facilities as identified on adopted Contra Costa County, flood control and water conservation district drainage area maps and flood control zone maps and plans that qualify for drainage area fees, credits, or reimbursements.

(Ord. 97-44; Gov. Code § 66485 and § 66486)

Chapter 914-4 NATURAL WATERCOURSES

914-4.002 Protection of natural watercourses.

The advisory agency, in its sole discretion, may determine that a natural watercourse, or a substantial portion of a natural watercourse, in a scenic attraction or possesses significant riparian habitat, and may require that the watercourse or portion of the watercourse be protected in its natural state. The watercourse or portion required to be protected shall be referred to as a "protected watercourse."

(Ords. 89-28, 78-5).

914-4.004 Watercourse capacity and stability analysis.

Before a protected watercourse may be utilized for discharge of drainage flowing through or from a subdivision, the watercourse's capacity and stability shall be substantiated through hydraulic calculations performed by a licensed engineer. Design flow volumes in excess of the watercourse's reasonable capacity shall be conveyed around the protected watercourse or shall be detained in adequate detention basins meeting the requirements of Chapter 914-12. Flow velocities in excess of those permitted by Section 9146.202 shall be attenuated using environmentally-sensitive techniques approved by the public works department.

(Ord. 89-28).

914-4.006 Vegetation removal.

Vegetation removal within a protected watercourse shall be restricted to the removal of downed trees, trees that are precariously undercut and trees that have the potential of creating a major obstruction within the floodway. Removal work shall be done in an environmentally-sensitive manner, so as to minimize damage to remaining trees, undergrowth and other riparian vegetation. Older trees requiring removal of dead or diseased limbs shall be trimmed under the supervision of a tree specialist. To the maximum extent possible, undergrowth shall be preserved.

(Ord. 89-28).

914-4.008 Side drainage.

Storm drainage facilities discharging into a protected watercourse shall be designed in such a manner as to minimize visual impact and erosion within the protected watercourse. Wherever possible, side drains shall be combined prior to discharging into the watercourse to reduce the number of outfalls into the watercourse.

(Ord. 89-28).

Chapter 914-6 OPEN CHANNELS AND DITCHES

Article 914-6.2 Earth and Lined Channels

914-6.202 Earth channels — Maximum design velocities.

Maximum design velocities for natural or improved earth channels shall be those specified by a licensed soil engineer in the soil report. The calculations shall be based upon the United States Department of Agriculture, Soil Conservation Service Tractive Force Method, or an alternative method approved by the public works department.

(Ords. 89-28, 78-5).

914-6.204 Earth channels — Minimum velocities.

Minimum velocities at design capacity for earth channels shall be three feet per second.

(Ords. 89-28, 78-5).

914-6.206 Earth channels — Side slopes.

Side slopes for improved earth channels shall be those specified by a licensed soil engineer, but in no instance shall side slopes be steeper than two horizontal to one vertical.

(Ords. 89-28, 78-5).

914-6.208 Lined channels — Side slopes.

Side slopes for lined channels shall be those specified by a licensed engineer and shall be based upon the data contained in a soil report prepared by a licensed soil engineer. The engineering calculations shall also indicate the structural integrity of the lining and any needed subdrainage.

(Ords. 89-28, 78-5).

914-6.210 Lined channels — Outlet velocity.

Where the outlet velocity from a lined channel exceeds the maximum allowable velocity for the earth channel receiving the flow, suitable protective works shall be constructed to dissipate the flow. At a minimum, the outlet end of the lined channel shall be protected by a cutoff wall and the placement of loose riprap. The protective works shall be those specified by a licensed engineer and shall be based on engineering calculations of allowable flow velocities.

(Ords. 89-28, 78-5).

914-6.402 Discharge to roadside ditches.

No concentrated flow of storm waters from a subdivision shall be discharged into a roadside ditch.

(Ords. 89-28, 78-5).

914-6.404 Roadside ditch sections.

Roadside ditch sections shall be subject to the approval of the public works department as to shape, size gradient, lining and location within the road right-of-way, and shall have the required hydraulic capacity.

(Ords. 89-28, 78-5).

914-6.406 Purpose of roadside ditches.

Roadside ditches and gutters shall be provided to carry the drainage from the road and tributary lands without damage to the roadbed or abutting property.

(Ords. 89-28, 78-5).

914-6.408 Roadside ditch gradients.

The maximum gradient for earth roadside ditches shall not exceed four percent, nor be less than one percent. The minimum gradient for lined roadside ditches shall not be less than one percent.

(Ords. 89-28, 78-5).

Chapter 914-8 CONDUITS

914-8.002 Closed conduits—Minimum size.

Closed conduits, including under-driveway culverts and street-crossing culverts, shall be of a size adequate to carry the design flow, but shall not be smaller than eighteen inches inside diameter.

(Ords. 89-28, 78-5).

914-8.004 Closed conduits—Minimum flow line.

Minimum flow line gradients for closed conduits shall not be less than three one-thousandths foot per foot.

(Ords. 89-28, 78-5).

914-8.006 Closed conduits—Maximum velocity.

Closed conduits shall not be designed to operate at high velocities when site conditions may yield an erosive bed load in the facility.

(Ord. 89-28).

914-8.008 Closed conduits—Outlet velocity.

Where the outlet velocity from a closed conduit exceeds the maximum allowable velocity for the storm drainage facility receiving the flow, suitable protective works shall be constructed to dissipate the flow. At a minimum, the outlet end of the closed conduit shall be protected by a cutoff wall and the placement of loose riprap. The protective works shall be those specified by a licensed engineer and shall be based on enginering calculations of allowable flow velocities.

(Ords. 89-28, 78-5).

914-8.010 Piping requirements.

All pipe or culverts intended for use within the roadway shall be of a class or gauge recommended by the manufacturer and approved by the public works department for the cover and service conditions required and shall provide a minimum service life of fifty years. Pipe or culverts for use outside the roadway may be of any approved type and strength to meet field conditions. Metal pipe shall not be used in arterial, thoroughfare or collector streets. Corrugated steel and aluminum pipe shall be bituminous coated unless the soil and drainage water have pH or resistivity values approved by the public works department. Additional protective coating or paving of metal pipes may be required for severe service conditions. The class or gauge of pipe or culvert proposed at each location shall be noted on the improvement plans.

(Ord. 89-28, 78-5).

914-8.012 Storm drain inlets.

Storm drain inlets shall be of a design approved by the public works department. Pipelines shall be aligned with the storm drain inlet in such a manner and direction as not to cause a reversal of direction of the flow of the water and as not to enter through a corner of the inlet.

(Ords. 89-28, 78-5).

914-8.014 Closed conduits—Streets and channels.

Water within street areas shall be placed in closed conduits when the maximum depth of computed flow exceeds the capacity of the gutter or creates a traffic hazard or endangers property. Storm water in natural or improved earth channels shall be placed in closed conduits or concrete lined channels, except where the quantity exceeds eighty cubic feet per second, or except as provided otherwise in Chapter 914-4.

(Ords. 89-28, 78-5).

914-8.016 Drainage facilities—Freeboard.

Storm drainage facilities shall allow for tidal action and flood stage where applicable. The hydraulic pressure elevation in any storm drainage facility shall be at least fifteen inches below the top of any inlet grate or manhole.

(Ords. 89-28. 78-5).

Chapter 914-10 LEVEES

914-10.002 Compliance requirements.

Adequate levees shall be provided in compliance with Section 914-2.002.

(Ords. 89-28, 78-5).

914-10.004 Design and soil report.

All levees in excess of three feet in height shall be designed by a licensed soil engineer and shall require the submittal of a soil report.

(Ord. 89-28).

914-10.006 Toe and slope requirements.

For levees used in combination with open channels and waterways, the toe of the levee on the water side shall be placed at least two feet back from the top of the bank of channel or waterway. Levee side slopes shall not be steeper than two horizontal to one vertical.

(Ords. 89-28, 78-5).

914-10.008 Top width—Reclaimed lands and open channels.

Top width of levees constructed for the protection of reclaimed lands or the containment of open channels shall not be less than eighteen feet.

(Ords. 89-28, 78-5).

914-10.010 Top width—Protection from surface waters.

Top width of levees constructed for protection of any portion of the subdivision from surface waters shall not be less than five feet.

(Ords. 89-28. 78-5).

914-10.012 Degree of protection.

The degree of protection for which levees shall be designated shall be as follows:

(1) For watercourses and channels, levees shall provide the degree of protection as specified in Section 914-2.002 and shall include no less than three feet of freeboard;

(2) For those areas to be protected from waters of San Francisco Bay and San Pablo Bay from the southerly and westerly boundaries of Contra Costa County to the state highway bridge at Carquinez Strait, levees

shall provide protection from tides and from waves created by wind action. Tops of curbs shall be not lower than elevation 7.5 U.S.G.S. datum;

(3) For those areas to be protected from the waters of Carquinez Strait and Suisun Bay from the state highway bridge at Carquinez Strait to Simmons Point on Chipps Island, levees shall provide protection from tides, flood flows in the Sacramento and San Joaquin Rivers, and waves created by wind action. The basis for flood protection shall be the U.S. Army Corps of Engineers' standard project flood, approximately equivalent to a recurrence interval of two hundred years. Tops of curbs shall be not lower than elevation 8.5 U.S.G.S. datum;

(4) For those areas within the delta area from Simmons Point on Chipps Island to the easterly boundaries of Contra Costa County, levees shall proviAe protection from tides, flood flows in the Sacramento and San Joaquin Rivers and all waterways tributary thereto, and waves created by wind action. The basis for flood protection shall be the U.S. Army Corps of Engineers' standard project flood, approximately equivalent to a recurrence interval of two hundred years. Tops of curbs shall not be lower than elevation 9.5 U.S.G.S. datum.

(Ords. 89-28, 78-5).

914-10.014 Approval of design and construction.

Approval of the design and construction of all levees within those areas described in Section 914-10.012 (2), (3) and (4), shall be obtained from the U.S. Army Corps of Engineers, California State Reclamation Board. San Francisco Bay Conservation and Development Commission, and any active operating local reclamation district within whose boundaries levees are to be constructed.

(Ords. 89-28, 78-5).

914-10.016 Control and maintenance.

The jurisdiction for the control and maintenance of all required levees shall be determined by the county, except as to areas where reclamation districts or districts with similar powers have such responsibilities, in which case the district having that responsibility shall present assurances satisfactory to the county that it has the necessary means and will perform the continued necessary maintenance of those levees protecting the subdivision.

(Ords. 89-28, 78-5).

Chapter 914-12 DETENTION BASINS

914-12.002 Detention basins—Where permitted.

Detention basins may be utilized only if they are approved by the public works department and contain at least fifteen acre-feet of storage capacity to provide regional flow mitigation benefits, except that smaller detention basins may be permitted where it can be shown to the satisfaction of the public works department that the development of a regional basin is not practical and that a smaller detention basin can be permanently operated and maintained by a public entity in a cost-effective manner.

(Ords. 89-28, 78-5).

914-12.004 Detention basins—Capacity.

Detention basins shall be sized to provide the desired reduction in peak channel flows and to store with freeboard the design average recurrence interval runoff. Detention basins shall also be sized to contain without freeboard a one-hundred-year average recurrence interval runoff, unless it can be shown that a one- hundred-year average recurrence interval runoff can be safely passed through the detention basin without damage to the detention basin or any other property.

(Ord. 89-28).

914-12.006 Detention basins—Design standards.

(a) The design of a detention basin shall comply with the requirements of the state of California, Division of Dam Safety.

(b) Detention basin side slopes shall be determined by a licensed soil engineer and presented in a soil report and in no case shall the side slopes of non-natural slopes be steeper than four horizontal to one vertical.

(c) Detention basins and their appurtenant facilities shall conform with current design standards of the public works department.

(Ord. 89-28).

914-12.008 Detention basins—Joint use.

A detention basin facility shall be used for no purpose other than drainage or flood control without the written approval of the public works department and the execution of a joint use agreement in a form approved by the county counsel.

(Ord. 89-28).

914-12.010 Detention basins—Maintenance.

The subdivider shall insure the maintenance of a detention basin facility through either an existing public maintenance entity or by the creation of a public maintenance entity. The entity shall have an adequate revenue source to assure perpetual maintenance.

(Ord. 89-28).

914-12.012 Infiltration basins.

Infiltration basins shall not be permitted.

(Ord. 89-28).

Chapter 914-14 RIGHTS-OF-WAY AND SETBACKS

914-14.002 Easements—General requirements.

Easements shall provide sufficient land rights for construction, maintenance and operation of drainage and access facilities. Easement widths shall be rounded up to the nearest foot. Easements shall not be divided longitudinally by lot lines. All easements shall be provided with access to a public way, which access shall be usable by vehicular maintenance equipment. Where trees within an easement area are to remain, adequate additional easement width shall be provided.

(Ords. 89-28, 85-40 § 3, 78-5).

914-14.004 Closed conduits—Minimum widths of easements.

Minimum widths of easements for closed conduits shall be equal to the outside diameter or width of the conduit plus three feet on each side, but in no location less than ten feet. If an easement is dedicated or granted to provide for the future construction of a closed conduit, the easement width shall include an additional twenty-five feet for construction purposes.

(Ords. 89-28, 85-40 § 3, 78-5).

914-14.006 Open channels—Minimum widths of easements.

(a) For lined channels having a top width less than three feet, the minimum widths of easements shall be ten feet. For excavated earth channels and channels having a top width of three feet or greater that are lined with concrete or other materials, the minimum widths of easements shall contain the full outside top width of channel, including lining and the following additional widths:

(1) Earth-lined and Rock-lined Channels.

Channel Top Width (feet)	Additional Width (feet)
0—10	6 one side, 12 other side
11—30	6 one side, 15 other side
31—40	6 one side, 18 other side
41—50	6 one side, 21 other side
51—60	15 each side
61—70	18 each side
71 and above	21 each side

(2) Concrete-lined Channels.

Channel Top Width (feet)	Additional Width (feet)
3—10	3 one side, 10 other side

11—15	6 one side, 12 other side
16—30	6 one side, 15 other side
31—40	6 one side, 18 other side
41—50	6 one side, 21 other side
51 and over	same as earth channels

(Ords. 89-28, 85-40 § 4, 78-5).

914-14.008 Ingress easements.

Where a channel or conduit does not have direct access to a public way, an ingress easement shall be provided. Ingress shall be provided within five hundred feet of the upstream and downstream ends of the channel or conduit and shall be spaced no more than one thousand five hundred feet apart. The minimum width of the ingress easement shall be twelve feet. Minimum radius of centerline of such easements shall be forty feet. Ingress easements shall be graded in such a manner so as to be usable by vehicular maintenance equipment, but they need not be surfaced.

(Ords. 89-28, 85-40 § 4, 78-5).

914-14.010 Structures and encroachments within easements.

No permanent structures of any kind other than drainage structures may be constructed within or over any easement described in this chapter. Encroachments such as filled slopes, retaining walls, fencing and landscaping shall not be permitted. Public utilities may be installed within easements upon approval by the public works department.

(Ords. 89-28, 8540 § 4, 78-5).

914-14.012 Structures setback lines for unimproved earth channels.

(a) "Structure setback line" means the line separating the structure setback area from the remainder of the lot. For unimproved earth channels within the subdivision, a structure setback line shall be shown on the final map or parcel map as follows: The thread of the channel shall be shown as accurately as possible, and a dashed line shall indicate the appropriate setback with a note describing the method used to determine the top of bank, selected from those set forth herein. The development rights for that portion of the lot on the creek side of the setback line, which is defined as the "structure setback area," shall be offered for dedication to Contra Costa County by separate instrument.

(b) "Top of bank" means the point where the water surface plus sufficient freeboard for the design average recurrence interval runoff intersects the existing ground, or the point where a line with a slope of 2.5 horizontal to 1 vertical extending from the toe of the channel intersects the existing ground, whichever point is the greatest vertical distance above the channel invert. A separate top of bank shall be determined for each side of the channel.

(c) The structure setback line for unimproved channels shall be determined by measuring the following horizontal distance away from the top of bank on each side of the watercourse:

Height of top of bank above channel invert	Horizontal distance between top of bank and setback line
less than 20'	30'
20' - 29.99'	35'

30' - 39.99'	40'
40' - 49.99'	45'
50' and greater	50'

(d) Where significant riparian vegetation exists beyond the limits required above, the advisory agency may extend the setback line to include such areas.

(Ords. 89-28, 85-40 § 6, 78-5).

914-14.014 Structures and encroachments within structure setback areas.

No permanent structures of any kind other than drainage structures may be constructed within, under or over any structure setback area described in this chapter. Fencing and landscaping, including trees and shrubs, are excluded from this restriction. The structure setback line shall be verified prior to the issuance of a building permit.

(Ords. 89-28, 85-40 §§ 8, 9).

914-14.016 Rights-of-way for levees and detention basins.

All levees and detention basins shall be completely contained within a fee title land right held by, or dedicated to, Contra Costa County or other public agency. The right-of-way conveyed to the county or other public agency shall include adequate access and maintenance areas, as determined by the public works department.

(Ords. 89-28, 78-5).

914-14.018 Joint use of rights-of-way.

The joint use of rights-of-way held by Contra Costa County or other designated public agency is not permitted without the written approval of the public works department and the execution of a joint use agreement in a form approved by the county counsel.

(Ord. 89-28).

914-14.020 Private drainage systems.

Slope intercept ditches, yard drains and other similar drainage systems are considered private systems and land rights for such systems shall not be offered or granted to Contra Costa County. The subdivider or property owner shall be responsible for the maintenance of such private systems.

(Ord. 89-28).

Chapter 914-16 MISCELLANEOUS

914-16.002 Subdrainage—Where required.

Subdrain facilities shall be provided where specified by the soil engineer controlling the work and other areas where deemed necessary by the county to prevent sliding or settlement of the earth surface. Facilities will be

required to convey the subdrainage to an approved point of discharge. The subdivider or property owner shall be responsible for the maintenance of sub-drain facilities.

(Ords. 89-28, 78-5).

Division 916. WATER AND SEWERS

Chapter 916-2 WATER

916-2.002 Adequate supply.

An adequate approved water supply system shall be provided to serve all of the proposed subdivision. The advisory agency shall be satisfied, based upon evidence submitted, that the said system is not likely to cause serious public health problems and make findings pursuant to Section 94-2.806 concerning the fullfillment of construction requirements. Water supply systems requiring health officer's approval shall comply with Chapter 414-4 of this code.

(Ords. 8 1-56 § 5, 78-5).

916-2.004 Water conservation landscaping.

Landscaping of property subject to this title shall conform to the water conservation requirements of Chapter 82-26 of this code.

(Ord. 90-59).

Chapter 916-4 SEWERS

Article 916-4.2. Sewerage

916-4.202 Sewerage requirements.

Sewerage shall be provided to the subdivision by a public sanitation district or utility having adequate plant and facilities. If, based on evidence submitted, the advisory agency finds that it is not feasible to construct, install, or connect to a sewerage system, it may refer any request for an alternate means of sewage disposal to the county health department.

(Ord. 78-5).

Article 916-4.4. Sanitary Sewers and Sewage Treatment Plants

916-4.402 Sewer system and sewage treatment plant construction.

In those areas served by a sanitation district under the jurisdiction of the county, as distinguished from a local sanitary district, all sewage treatment facilities and appurtenances shall be constructed in accordance with the requirements of the public works department and under the inspection of the public works department subsequent to payment of all required fees and charges. Sanitary sewers to be constructed in areas other than those under the jurisdiction of the county shall be submitted to the appropriate agency for review.

(Ord. 78-5)

Division 918. FENCES

Chapter 918-2 GENERAL PROVISIONS

918-2.002 Required by hazardous conditions.

Fences shall be constructed by the subdivider where a condition hazardous to persons or property may exist.

(Ord. 78-5).

918-2.004 Required where street crosses watercourses or drainage structures.

Wherever a street crosses over a watercourse or open channel, fences shall be provided around the head walls, end walls and other appurtenances of bridges or drainage structures, and shall be of a type, height and location as required by the public works department.

(Ord. 78-5).

918-2.006 Required along outside boundaries of open lined channel easements.

Fences shall be installed along the outside boundaries of all easements containing open lined channels having a depth of one and one-half feet or more. Fences shall be of the chain-link type, six feet in height, and provided with gates at appropriate locations.

(Ord. 78-5).

Division 920. PARK DEDICATIONS

Chapter 920-2 GENERAL

920-2.002 Authority.

This division is enacted pursuant to the authority granted by Government Code Section 66477 and the Constitution of the state.

(Ord. 78-5).

920-2.004 Plan.

The park and recreational facilities, for which dedication of land and/or payment of a fee are required, shall be in accordance with the recreation element of the general plan.

(Ord. 78-5).

920-2.006 Regulation.

The board may from time to time, by resolution, issue regulations to establish administration, procedures interpretation and policy direction under this division.

(Ord. 78-5).

Chapter 920-4 REQUIREMENTS

920-4.002 Subdivisions.

As a condition of approval of a preliminary or final development plan, tentative or final map or parcel map (which are hereinafter referred to as development), the developer of land for residential use, excluding that land which is exempt as provided in the Subdivision Map Act, shall dedicate land, pay a fee in lieu thereof, or do a combination of both, for neighborhood and community park or recreational purposes.

(Ords. 84-46 § 1 (part), 78-5).

920-4.006 Exemptions and proviso.

(a) Except as provided in subsection (b) of this section, the provisions of this division do not apply to:

  (1) Subdivisions containing less than five parcels and not used for residential purposes.

  (2) Commercial or industrial subdivisions.

  (3) Condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old when no new dwelling units are added.

(b) Provided, however, that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels exempted by subsection (a)(1) of this section, and such request is made within four years of approval of the parcel map, the fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

(Ords. 2007-19 § 3, 84-46 § 1 (part), 78-5).

920-4.008 Disaster.

A permit to repair or rebuild a dwelling unit which was damaged by fire, act of God, or other natural disaster, shall be exempt from the provisions of this division if the permit is applied for within one year of the damage or destruction.

(Ord. 84-46 § 1: formerly code § 920-12.014: Ord. 78-5).

Chapter 920-6 STANDARDS FOR AREA AND FEES

Article 920-6.2. General

920-6.202 Dedication.

The total area required to be dedicated is based on a figure of three acres of park area per one thousand persons, and shall be computed by multiplying the number of dwelling units to be included in the development by the applicable square footage per unit, as follows:

Dwelling Unit	Sq. Ft./Unit
Single-Family Detached	391 square feet
Townhome	311 square feet
Multi-Family Unit	282 square feet
Mobile Home	263 square feet

As used in this division, "dwelling unit" means a building or portion thereof, or a mobilehome, designed for residential occupation by one person or a group of two or more persons living together as a domestic unit. However, for purposes of this division only, a second unit as defined in Section 82-24.004 of this code and Government Code Section 65852.2 shall not be counted as a dwelling unit.

(Ords. 2007-19 § 4, 86-60 § 2, 84-46 § 1 (part), 78-5).

920-6.204 Amount of fee.

Except as otherwise provided in this chapter for specifically described territory, when fees are to be paid in lieu of land dedication, the total fee shall be calculated by multiplying the number of dwelling units to be included in the development by the applicable fee per unit, as follows:

Dwelling Unit	Fee/Unit
Single-Family Detached	$4,489.00
Townhome	3,571.00
Multi-Family Unit	3,233.00
Mobile Home	3,014.00

(Ords. 2007-19 § 5, 90-17 § 2, 86-60 § 2, 84-46 § 1, 78-5).

920-6.206 Combination.

A combination of fee payment and land dedication is permissible if approved by the planning agency.

(Ords. 86-60 § 2, 84-46 § 1 (part), 78-5).

920-6.208 Waiver.

(a) Affordable Housing Units. Upon application by the developer, the community development director may waive fifty percent of the land dedication and fee requirements for dwelling units that the community development director determines, in a written finding, fit into one of the following categories: (1) Rental units affordable to households earning less than eighty percent of the area median income; or (2) ownership units affordable to households earning less than one hundred twenty percent of the area median income. As a condition of such waiver, the developer shall enter into a regulatory agreement with the county, guaranteeing the use, occupancy, affordability, and term of affordability of such dwelling units. Rental units for which a waiver is granted under this section shall be restricted to that use for a minimum of fifty-five years. Ownership units for which a waiver is granted under this section shall be restricted to that use for a minimum of thirty years.

(b) Inclusionary Housing Units. In lieu of the land dedication and fee waiver for affordable housing units as set forth in subsection (a) of this code, developments that are subject to Chapter 822-4 of this code shall be eligible for a partial waiver of land dedication and fee requirements, as follows:

(1) Fifty percent of the land dedication and fee requirements shall be waived for each rental unit to be developed and rented as an inclusionary unit under the terms and conditions of Section 822-4.410(a) of this code.

(2) Fifty percent of the land dedication and fee requirements shall be waived for each for-sale unit to be developed and sold as an inclusionary unit under the terms and conditions of Section 822-4.410(b) of this code.

(3) If a fee is paid in lieu of constructing some or all inclusionary units in a development, pursuant to Section 822-4.404 of this code, fifty percent of the land dedication and fee requirements shall be waived for the number of inclusionary units for which the in-lieu fee is paid.

(Ord. 2007-19 § 6).

Article 920-6.6. East County Area

920-6.602 Amount of fee.

Within the territory in the unincorporated area of this county within the territorial jurisdiction of the East County Regional Planning Commission, described in Section 26-2.1512, when fees are to be paid in lieu of land dedication, the total fee shall be calculated by multiplying the number of dwelling units to be included in the development by the applicable fee per unit, as follows:

Dwelling Unit	Fee/Unit
Single-Family Detached	$3,142.00
Townhome	2,499.00
Multi-Family Unit	2,263.00
Mobile Home	2,109.00

(Ords. 2007-19 § 7, 90-6 § 2, 87-81 § 2).

Chapter 920-8 CREDIT AND PRIVATE SPACE

920-8.002 Public improvements credit.

If the subdivider provides park and recreational improvements to land dedicated for public park purposes, the value of the improvements together with any equipment located thereon shall be a credit, as determined by the planning agency, against the payment of fees or dedication of land required by this division.

(Ord. 84-46 § 1 (part)).

920-8.004 Partial credit for private space.

Where private area for park and recreational purposes is provided in a proposed development and such area is to be privately owned and maintained by the future owner(s) of the development, partial credit may be given by the planning agency not to exceed fifty percent against the requirement of land dedication or payment of fees in lieu thereof if the planning agency finds that it is in the public interest to do so and that all the standards set forth in Section 920-8.006 are met.

(Ords. 84-46 § 1 (part), 78-5).

920-8.006 Standards.

The standards are:

(1) Yards, court areas, setbacks and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private areas; and

(2) The private ownership and maintenance of the area is adequately provided for by recorded written agreement, covenants or restrictions; and

(3) The use of the private area is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be amended or eliminated without the consent of the county, or its successor; and

(4) The proposed private area is reasonably adaptable for use for park or recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and

(5) Facilities proposed for the area are in substantial accordance with the provisions of the recreational element of the general plan; and

(6) The area for which credit is given is a minimum of two contiguous acres and provides a minimum of four of the local park basic elements listed below, or other recreational improvements that will meet the specific recreation park needs of the future residents of the area:

Criteria List	Acres
(A) Children's play apparatus area	.50 — .75
(B) Landscape park-like and quiet area	.50 — 1.00

(C) Family picnic area	.25 — .75
(D) Game court area	.25 — .50
(E) Turf playfield	1.00 — 3.00
(F) Swim pool (42 ft. x 75 ft. with adjacent deck and lawn area)	.25 — .50
(G) Recreation center building	.15 — .25
(H) Recreation community gardening	.10 — .25

(Ords. 84-46 § 1 (part), 78-5).

Chapter 920-10 USE AND TIME LIMITS

920-10.002 Use of land and fees.

The land, fees or combination thereof are to be used only for the purpose of developing new or rehabilitating existing park or recreation facilities which will serve future residents of such development; but if the county general plan or a specific plan contemplates a larger or more significant recreation development (such as an area or community park) which will serve an area including the development, the dedicated land or fees may be devoted to such use.

(Ords. 84.46 § 1 (part), 78-5).

920-10.004 Establishment and development time.

The planning agency, in agreement with the local agency having park responsibility, if available, shall assure the establishment and development of the park and recreational facilities as the area develops and such facilities become necessary. A schedule for use of the funds will be maintained by the planning department.

(Ords. 84-46 § 1 (part), 78-5).

920-10.006 Hold or transfer.

All land so dedicated or fees paid shall be held by the county only for such purpose, but the county may transfer such land and/or fees to a local agency having authority to develop new or rehabilitate existing park and recreation services in the area.

(Ords. 84-46 § 1 (part), 78-5).

Chapter 920-12 PROCEDURES

920-12.002 General.

At the time of filing a tentative map or other development for approval, the developer shall, as a part of such filing, indicate whether the developer~~he~~ prefers to dedicate land for park and recreation purposes, or to pay a fee in lieu thereof, or do a combination of these. If the developer~~he~~ prefers to dedicate land, the developer~~he~~ shall suggest the specific land. Only the payment of fees is required for subdivisions containing fifty parcels or less.

(Ords. 84-46 § 2,78-5).

920-12.004 Decision—Factors.

At the time of initial development approval, the planning agency shall determine whether to require a dedication of land within the development, payment of a fee in lieu thereof, or a combination of both. In making this determination, the agency shall consider the following factors:

(1) Lands offered for dedication will substantially comply with the recreation element of the general plan;

(2) The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;

(3) The size and shape of the development and land available for dedication;

(4) How much land consisting of school playgrounds or public park lands is available for combination with dedicated lands in the formation of local park and recreation facilities; and

(5) The space or local recreation facilities to be privately owned and maintained by future residents of the development.

(Ord 78-5).

920-12.006 Prerequisite for approval of final map, parcel map, or building permit.

(a) Land. When land is to be dedicated, it shall be offered for dedication in substantially the same manner as for streets and other easements.

(b) Fees. When a fee is required, it shall be paid to the county prior to approval of the final map, parcel map, or building permit, whichever first occurs. Fees shall be placed in a local park or recreation facilities trust fund.

(Ord. 78-5).

920-12.008 Trust—Administration.

The land and fees shall be held in trust by the county until the county transfers such responsibility to a county service area, district, city, or association. If the recreation element of the general plan does not indicate the area of Division 924 benefit and contribution for the specific park required to serve a development, an appropriate amendment will be prepared to so delineate an area, or a specific plan for such area may be developed.

(Ord. 78-5).

920-12.010 Agency for development and maintenance.

The planning agency shall designate a public agency (city, service area, district or other) to be responsible for development and maintenance of the park. If no such agency is available to assume such responsibility, the planning agency shall require the developer to annex to or to form an appropriate agency, unless waived by the planning agency. When such a public agency is designated for the area, the land and fees may be conveyed to such agency by the county for the purposes herein enumerated.

(Ord. 78-5).

920-12.012 Refunds.

(a) If a final subdivision map or parcel map is vacated, and if the county still retains the land or fees, and if the applicant so requests, the director of planning shall order return to the applicant ~~him~~ of such land or fees.

(b) If a building permit is cancelled or voided, and if the county still retains the fee, and if the applicant so requests, the director of planning shall order return to the applicant~~him~~ of such fee.

(Ords. 84-46 § 3,78-5).

Division 924. REVERSION TO ACREAGE BY MAP

Chapter 924-2 REVERSION TO ACREAGE BY MAP[2]

924-2.002 General.

Subdivided property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act and this chapter.

(Ord. No. 2015-06, § II, 4-14-15)

924-2.004 Initiation of proceedings by petition of owners.

(a) Proceedings to revert subdivided property to acreage may be initiated by petition, in a form prescribed by the county, of all the owners of record of the subdivided property. In addition to the information and data required by the Subdivision Map Act, the petition must include a map for the reversion that complies with this chapter and is conspicuously marked with the following words: "Reversion to Acreage."

(b) The petition must be filed with the board of supervisors along with payment of a processing fee adopted by the board of supervisors. If the public works director and the conservation and development director determine that the petition and map meet all requirements of the Subdivision Map Act and this title, the public works director will submit the map and a report with recommendations for approval, conditional approval, or denial of the reversion to acreage to the board of supervisors for its consideration.

(Ord. No. 2015-06, § II, 4-14-15)

924-2.006 Initiation of proceedings by board of supervisors.

The board of supervisors, on its own motion, may initiate proceedings to revert property to acreage. If the board of supervisors initiates these proceedings, the public works director will prepare and submit a map and a report with recommendations to the board of supervisors for its consideration.

(Ord. No. 2015-06, § II, 4-14-15)

---

[2]Editor's note(s)—Ord. No. 2015-06, § II, adopted April 15, 2015, repealed ch. 924-2, § 924-2.002, in its entirety; and enacted a new ch. 924 to read as set out herein. Former ch. 924-2 pertained to planning commission authority and was derived from Ord. No. 78-5.

924-2.008 Hearing and approval.

(a) For all reversion to acreage proceedings, the board of supervisors will conduct a public hearing on the proposed reversion to acreage. Notice of the hearing will be given as required by the Subdivision Map Act.

(b) The board of supervisors may approve a reversion to acreage if it makes the findings specified in Government Code section 66499.16 and includes as conditions of reversion the conditions specified in Government Code section 66499.17.

(Ord. No. 2015-06, § II, 4-14-15)

924-2.010 Filing with the county recorder.

(a) Following approval of a reversion to acreage, the public works director will transmit the map to the office of the county recorder for filing and recording.

A parcel map may be filed and recorded for the purpose of reverting to acreage previously subdivided land that consists of four or less contiguous parcels under the same ownership. A final map must be filed and recorded for all other reversions to acreage.

(b) For proceedings for reversion to acreage initiated by petition, the map shall be recorded concurrently with a separate statement that all owners consented to the preparation and recording of the map. Except in the circumstances set forth in the Subdivision Map Act, the statement must be signed and acknowledged by all parties having any record title interest in the subdivided real property.

(c) For proceedings for reversion to acreage initiated by the board of supervisors, the map shall be recorded concurrently with a notice of reversion to acreage. The notice will be attested by the clerk of the board of supervisors and state the following:

(1) The names of all owners of an interest in the real property.

(2) The board of supervisors made the following findings in accordance with Government Code section 66499.16, subdivisions (a) and (b):

(A) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective purposes; and

(B) Either:

(i) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

(ii) No lots shown on the final map or parcel map have been sold within five years from the date the map was filed for record.

(Ord. No. 2015-06, § II, 4-14-15)

Division 926. CONDOMINIUM CONVERSIONS

Chapter 926-2 GENERAL

926-2.202 Purpose.

The intent and purpose of this division is to safeguard life and public health and welfare by establishing procedures and standards for condominium conversions in order to provide for a balance of housing types and tenures, housing opportunities for all economic segments of the population throughout the community, and the orderly conversion of rental housing and nonresidential structures consistent with the objectives herein, and to implement applicable general and specific plan objectives and policies.

(Ord. 82-36 § 3).

926-2.204 Objectives.

The objectives of this division's regulation are to:

(1) Establish uniform requirements and procedures for the review of proposed condominium conversions;

(2) Establish criteria for condominium conversions by requiring conformance with county code regulations and other development standards herein established;

(3) Mitigate the effect of conversions on existing tenants by requiring adequate notice of conversion, as well as adequate time and assistance to relocate, as necessary;

(4) Require provision of adequate information to the potential buyer concerning the physical condition of the unit, including but not limited to structural integrity and sound-transmission characteristics of the unit;

(5) Preserve the county's low and/or moderate income rental housing stock to the greatest feasible extent and provide for a reasonable balance of ownership and rental housing;

(6) Provide a variety of safe, well-designed housing types at reasonable cost, convenient to areas of employment, services, and transportation; and

(7) Provide for the orderly conversion of nonresidential structures.

(Ord. 82-36 § 3).

926-2.206 State statutes.

Reference to state statutes herein includes future amendments thereto.

(Ord. 82-36 § 3).

Chapter 926-4 DEFINITIONS

926-4.202 General.

Unless otherwise specially provided or required by the context, the following terms have the indicated meanings in this division.

(Ord. 82-36 § 3).

926-4.204 Common areas.

"Common areas" means the entire project except all units herein granted or reserved.

(Ord. 82-36 § 3).

926-4.206 Community vacancy rate.

"Community vacancy rate" means the vacancy rate determined by the director of planning using data obtained from the most recent available postal vacancy survey, the state of California Department of Finance Special Census, and/or from other applicable and reliable sources.

(Ord. 82-36 § 3).

926-4.208 Condominium.

"Condominium" means a condominium as defined in Civil Code Section 783.

(Ord. 82-36 § 3).

926-4.210 Condominium documents.

"Condominium documents" are the covenants, conditions and restrictions, the description of the project elements, and any other documents establishing a plan for condominium ownership.

(Ord. 82-36 § 3).

926-4.212 Conversion.

"Conversion" is a change in the type of ownership of a parcel or parcels of real property, together with the existing attached structures, to that defined as a condominium project (Civil Code Section 1350), stock cooperative (Business and Professions Code Section 11004), or time-share project, regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.

(Ord. 82-36 § 3).

926-4.214 Covenants, conditions and restrictions.

"Covenants, conditions and restrictions" is a written declaration relating to the maintenance, operation, duties, and responsibilities of the common owners of the project and may include, but is not limited to, those restrictions provided for in Civil Code Section 1355.

(Ord. 82-36 § 3).

926-4.216 Handicapped tenant

"Handicapped tenant" means a tenant with a physical disadvantage or developmental disability, which is documented and medically verifiable, that renders success in finding comparable housing significantly more difficult.

(Ord. 82-36 § 3).

926-4.218 Homeowners association.

"Homeowners association" is an organization composed of persons who own condominium unit(s) and who are organized to operate and maintain common areas and facilities for condominiums.

(Ord. 82-36 § 3).

926-4.220 Lower income household.

"Lower income household" means a household with a gross income which is at or below eighty percent of the current median income for the San Francisco - Oakland Standard Metropolitan Area as adjusted for family size, and estimated by the U.S. Department of Housing and Urban Development for its Community Development program.

(Ord. 82-36 § 3).

926-4.222 Low and moderate income rental housing stock.

"Low and moderate income rental housing stock" means those rental dwelling units in buildings being proposed for conversion, the rental, utility and fuel costs for which at the time of filing the application, does not exceed the current Section 8 fair market rent guidelines issued by the Federal Department of Housing and Urban Development.

(Ord. 82-36 § 3).

926-4.224 Project.

"Project" means the entire parcel of real property divided, or to be divided into condominiums, including all structures hereon.

(Ord. 82-36 § 3).

926-4.226 Tenant.

"Tenant" means a person or persons in actual possession entitled under a lease, rental agreement or other agreement with the owner, or the owner's~~his or her~~ agent, to occupy a dwelling unit to the exclusion of others.

(Ord. 82-36 § 3).

926-4.228 Unit.

"Unit" means the elements of a condominium which are not owned in common with the owners of other condominiums in the project.

(Ord. 82-36 § 3).

Chapter 926-6 CONVERSION STANDARDS

926-6.202 General.

The physical conversion standards in this chapter are the minimum necessary to insure that this division's purpose and objectives are accomplished. Conversions shall comply with these standards.

(Ord. 82-36 § 3).

926-6.204 Storage space.

Provision of fifty cubic feet of protected storage space in addition to closet space normal to all residential units.

(Ord. 82-36 § 3).

926-6-206 Private open space.

Provision of a minimum seventy-five square feet of private open space for each unit.

(Ord. 82-36 § 3).

926-6.208 Laundry facilities.

Provision of laundry facilities in each residential unit.

(Ord. 82-36 § 3).

926-6.210 County regulation conformance.

Existing and proposed conversion project improvements and structures shall comply with regulations of the county code and other applicable ordinances including zoning and requirements for "products of combustion" detection devices and systems.

(Ord. 82-36 § 3).

926-6.212 Firewalls.

Firewalls in common attic spaces, fire resistant finishes on common walls, and boxed electrical outlets, switches, etc. on common walls shall be provided.

(Ord. 82-36 § 3).

926-6.214 Physical elements report deficiencies.

Any deficiencies cited in structural, foundation, mechanical, termite, plumbing, and roof inspection reports portion of the physical elements report shall be corrected in a manner which satisfies the planning department.

(Ord. 82-36 § 3).

926-6.216 Building inspection report violations.

Any violations cited in the building inspection report by the building inspection department shall be corrected in a manner which satisfied the building inspection department.

(Ord. 82-36 § 3).

926-6.218 Utility meters.

Public utilities shall be independently metered to each unit.

(Ord. 82-36 § 3).

Chapter 926-8 APPLICATIONS

Sections:

926-8.202 General.

Any subdivider who desires the approval of a condominium conversion project shall submit an application which includes the information and documents required by this chapter and such other information determined to be necessary to evaluate the project by the director of planning or planning agency.

(Ord. 82-36 § 3).

926-8.204 Tentative map and plan.

In addition to the tentative map and information required pursuant to Article 94-2.2, a plat plan shall be submitted indicating the location and dimensions of the proposed units, private areas, driveways, parking facilities, walkways, exterior private storage spaces, and common area facilities. This additional information may be set forth on the proposed tentative map in lieu of filing a separate plat plan.

(Ord. 82-36 § 3).

926-8.206 Condominium documents.

Draft copies of the required proposed covenants, conditions and restrictions, by-laws, and articles of incorporation of the homeowners association shall be submitted.

(Ord. 82-36 § 3).

926-8.208 Building inspection report

A report from the building inspection department on the condition of any involved buildings listing any regulation violations found to be detrimental to the health, safety and welfare of the public, the owners and the occupants of the building.

(Ord. 82-36 § 3).

926-8.210 Construction details.

Construction details of the existing structures indicating common wall, ceiling and floor construction, fire walls and draft wall locations, floor plans and square footage of each unit.

(Ord. 82-36 § 3).

926-8.212 Acoustical report

An acoustical engineer's analysis of current unit to unit noise transmission characteristics compared to current Title 7 requirements, including specific recommendations for alterations necessary to meet current Title 7 noise transmission requirements.

(Ord. 82-36 § 3).

926-8.214 Physical elements report.

A physical elements report shall be submitted on a form developed by the planning department which details the age, condition, useful remaining life of the components of the project and shall include termite, site drainage, roof, plumbing, mechanical, foundation, and structural inspection reports.

(Ord. 82-36 § 3).

926-8.216 Tenant profile report

A tenant profile report on the proposed conversion is required and shall include:

(1) Length of occupancy of present tenants;

(2) Household composition:

(A) Number and age of tenants over sixty-two,

(B) Number of tenants receiving Section 8 rental housing assistance,

(C) Number and size of families with school age children,

(D) Number of handicapped persons in residence, and

(E) Number of persons previously displaced by condominium conversions;

(3) Current rents, a statement of whether rents include or exclude utilities, date and amount of last rental increase during the eighteen months preceding the application;

(4) Nature of lease agreements;

(5) Names and addresses of current tenants;

(6) A report stating the number and date of evictions and reasons for each for the eighteen months preceding the application; and

(7) Three sets of stamped, addressed envelopes for each tenant, with no return address.

(Ord. 82-36 § 3).

926-8.218 Notice of intent

Evidence of receipt by each involved tenant of the notice required by Section 926-10.204.

(Ord. 82-36 § 3).

926-8.220 Proposed improvements.

A statement of and/or plans for proposed improvements shall be submitted with the application.

(Ord. 82-36 § 3).

926-8.222 Tenant relocation and assistance plan.

A tenant relocation and assistance plan which shall contain the following information:

(1) Proposed amount tenants will be reimbursed for expenses of moving;

(2) Proposed amount of assistance tenants will be individually given in finding comparable rental housing in the general location of the proposed project;

(3) The availability of long term leases and extra time to locate housing for families with children in school, students, elderly or handicapped tenants, or long-term tenants;

(4) Any other plans of the subdivider to provide for assistance to tenants who will be caused to move if the proposed project is approved; and

(5) For the conversion of a mobile home park, the impact report required by Government Code Section 66427.4.

(Ord. 82-36 § 3).

926-8.224 Sales information.

The following information regarding unit sales shall be provided:

(1) Proposed sales price of units and financing arrangements;

(2) Terms of sale and discounts, if any, to be offered to existing tenants; and

(3) Statement regarding policy of sales to families with minor children.

(Ord. 82-36 § 3).

926-8.226 Defect and compliance statement

A written statement by the owner and/or subdivider that they are aware of, and will comply with the provisions of Civil Code Section 1134 and this division.

(Ord. 82-36 § 3).

Chapter 926-10 TENANT NOTICE

926-10.202 General.

Condominium conversion project tenants shall be provided the notices required by this chapter and Sections 26-2.2102 and 94-2.606.

(Ord. 82-36 § 3).

926-10.204 Notice of intent.

A notice of intent to convert shall be delivered to each tenant pursuant to Section 66452.9 of the Government Code. Evidence of receipt by each tenant of the notice at least sixty days prior to filing the application to convert shall be provided to the planning department. The form of the notice shall be as approved by the planning department and contain the following additional information:

(1) Name and address of current owner;

(2) Name and address of the proposed subdivider;

(3) Date on which the tentative map application is expected to be filed;

(4) Approximate date on which the final map or parcel map is expected to be filed;

(5) Approximate date on which the unit is to be vacated by nonpurchasing tenants;

(6) Tenant's right to purchase;

(7) Tenant's right of notification to vacate;

(8) Tenant's right of termination of lease;

(9) Statement of rent increase limitation;

(10) Provision for special cases; and

(11) Provision of moving expenses.

(Ord. 82-36 § 3).

926-10.206 New tenants.

Beginning at a date not less than sixty days prior to the filing of the tentative map, the subdivider or the subdivider's ~~his or her~~ agent shall give notice of such filing in the form outlined in Government Code Section 66452.8 (b) to each person applying after such date for rental of a unit prior to acceptance of any rent or deposit. If

the subdivider or the subdivider's~~his or her~~ agent fails to give notice pursuant to this section, the subdivider shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice and who does not purchase their~~his or her~~ unit an amount equal to three times monthly rent for moving expenses. This moving expense payment shall not be cumulative with payments specified in Section 926-16.204.

(Ord. 82-36 § 3)

926-10.208 Right to purchase.

Pursuant to Government Code Section 66427.1 (d), any present tenant shall be given notice of an exclusive right to contract for the purchase of their~~his or her~~ respective unit or, at the tenant's request, any other vacated unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant.

(Ord. 82-36 § 3).

926-10.210 Vacation.

Pursuant to Government Code Section 66427.1 (c), each tenant not in default under the obligations of the rental agreement or lease under which the tenant~~he~~ occupies the tenant's~~his~~ unit shall be given one hundred eighty days' written notice of intention to convert their~~his or her~~ unit prior to termination of tenancy due to the conversion or proposed conversion. Evidence of receipt by each tenant shall be submitted to the planning department prior to filing of the final map.

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(Ord. 82-36 § 3).

926-10.211 Staff reports.

As provided in Government Code Section 66452.3, any report or recommendation on a tentative map by the director of planning shall be sent to the subdivider and to each tenant at least three days prior to public hearing on said map.

(Ord. 82-36 § 3).

926-10.212 Final map approval.

Pursuant to Government Code Section 66427.1 (b), each tenant shall receive written notification within ten days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(Ord. 82-36 § 3).

926-10.214 Information document and warranty.

The applicant shall provide to all tenants, prior to filing of a final or parcel map. and thereafter to all prospective purchasers, a document which shall contain the following:

(1) A copy of the final subdivision conditions of approval;

(2) For each buyer a one-year warranty on all appliances, heating and air conditioning for each unit and for the homeowners association a five-year warranty or acceptable alternative, on all structures in the project and all electrical, plumbing, roofing, elevators, and exterior finish;

(3) A statement of proposed improvements and repairs to be made by the subdivider;

(4) A copy of the building inspector's preconversion inspection report and the physical elements report;

(5) A pest control report;

(6) An energy audit with recommendation on how prospective purchasers may improve the energy efficiency of the unit(s) offered for sale;

(7) A copy of a summary of the acoustical engineer's analysis in lay language explaining the noise attenuation characteristics of all common walls and ceiling separations;

(8) A copy of the proposed budget for maintenance and operation of common facilities, plus reserves, including the estimated monthly costs to the owner of each unit, projected over a five- year period. Such budget shall be reviewed or prepared by a professional management firm familiar with costs of similar properties, or by other qualified professionals, and that firm or persons shall provide a statement of recommendations on the budget with a statement of professional qualification;

(9) A statement of any other information that the director of planning reasonably determines should be furnished to a prospective purchaser to enable ~~him~~ the prospective purchaser to make an informed decision regarding the purchase of a unit in the project.

(Ord. 82-36 § 3).

Chapter 926-12 ASSOCIATION AND RESTRICTIONS

926-12.202 Homeowners association.

The subdivider and/or owner shall form an incorporated homeowners association prior to assumption of project management by the homeowners association.

(Ord. 82-36 §3).

926-12.204 Restrictions.

The covenants, conditions and restrictions for the conversion project shall provide for ownership and maintenance of all project and common areas improvements.

(Ord. 82-36 § 3).

926-12.206 Management

The developer, at the developer’s expense, must contract with a professional management firm for a period of one year from the date that the homeowners comprise the majority of the board of directors of the association to manage the project and advise the association.

(Ord. 82-36 § 3).

926-12.208 Start-up fund.

Prior to approval of the final map, the developer shall provide to the county evidence of establishment of a fund in the name of the homeowners association. Such fund shall be earmarked for long-term reserves for replacement, and shall be equal to one hundred dollars for each dwelling unit.

(Ord. 82-36 §3).

Chapter 926-14 SPECIAL LEASES AND RENT INCREASE

926-14.202 Special leases.

At the time of the notice of right to purchase tenants over age sixty-two wishing to purchase a residential unit shall be offered lifetime leases on the same terms under which the unit is currently rented. Tenants with school age children not wishing to purchase their units shall have then-leases extended at least until one month after the end of the school year, at the tenant's discretion. Tenant households which are lower income shall be offered two-year leases. Handicapped tenants shall be offered at least three-year leases. Special leases shall be binding on future owners of said units, shall prohibit subleasing, and shall be terminable at the option of the tenant upon sixty days' notice to the owner. Rent increases on special leases shall be limited to the rent increase limitations provided in Section 926-14.204.

(Ord. 82-36 § 3).

926-14.204 Rent limitation.

Upon filing an application for conversion, a tenant's residential rent shall not be raised by more than the amount of one hundred percent of the change in the Consumer Price Index - rental component for the San Francisco - Oakland SMS A for the previous twelve-month period prior to filing. The rental increase limitation is cumulative within each successive twelve-month period and shall apply to subleased units.

(Ord. 82-36 § 3).

924-14.206 Applicability.

Sections 926-14.202 — 204 shall apply only to tenants who were residents as of the date of notice of intent to convert.

(Ord. 82-36 § 3).

Chapter 926-16 DISCOUNTS AND MOVING ASSISTANCE

926-16.202 Unit purchase discount

The applicant (subdivider) shall offer to those parties who are residents as of the date of notification of intent to convert the project, and are still residents as of the date sale commences, a discount in the amount of at least ten percent of the price at which the unit will be offered to the public.

(Ord. 82-36 § 3).

926-16.204 Moving expense assistance.

The applicant (subdivider) shall offer moving expense assistance to displace rental housing tenants who are residents at the time of delivery of the notice of intent, the amount of which shall not be less than two times the monthly rental rate of the unit in effect at time of vacation of said unit. The moving expense payment shall be made to the tenant within ten days of, but not later than, the date of vacation of the tenant's apartment unit.

(Ord. 82-36 § 3).

926-16.206 Temporary relocation.

In the event that any tenant of a unit enters into a written agreement with the developer to purchase their unit and is thereafter required to temporarily vacate the unit because renovation or required repairs cause the unit to become temporarily unlivable, the developer shall be responsible for finding suitable, temporary, furnished replacement housing for such tenant. If the replacement housing prorated daily rent is higher than the prorated daily rent for the vacated unit, then the developer shall pay the difference.

(Ord. 82-36 § 3).

Chapter 926-18 EVALUATIONS

926-18.202 Application hearing.

When approving or denying an application and tentative map for conversion, the planning agency shall consider:

(1) The information required by Chapter 926-8;

(2) The community vacancy rate for rental housing as established by the director of planning as needed;

(3) Whether the proposed conversion would cause any of the following without sufficient available comparable housing:

(A) Displacement of a significant number of families with school age children,

(B) Displacement of a significant number of elderly or handicapped tenants,

(C) Displacement of a significant number of low and moderate income tenants,

(D) An adverse impact on the ability of displaced mobile home park residents to find adequate space in a mobile home park;

(4) Compliance with the condominium standards contained in Chapter 926-6;

(5) Which alterations recommended by the acoustical engineer's analysis can reasonably be required in order to improve noise attenuation between units.

(Ord. 82-36 § 3).

926-18.204 Evaluations.

In approving an application and tentative map for conversion the planning agency shall be satisfied that:

(1) The proposed conversion will not be detrimental to the general health, safety and welfare of the county;

(2) Any involved structure is physically suited to conversion based on information provided for advisory body evaluation and appears to meet all condominium standards of this division for which exceptions have been granted;

(3) The conversion and its cumulative impacts will not cause significant hardships for current residents;

(4) The rental increase limitations and prehearing noticing requirements contained in this division have been, or will be complied with;

(5) Vacancies in the proposed project have not been intentionally increased for conversion;

(6) Sufficient steps have, or will be taken by the subdivider to mitigate any adverse impacts of the conversion on the ability of any displaced mobile home park residents to find adequate space in a mobile home park.

(Ord. 82-36 § 3).

Chapter 926-20 FINAL AND PARCEL MAP FILING

926-20.202 Filing and recordation.

No final or parcel map proposed for conversion shall be considered complete, approved and accepted for filing and recordation until the following requirements have been complied with:

(1) The board, for a final map, has made the findings required by Government Code Section 66427.1.

(2) The conversion's articles of incorporation, bylaws, and covenants, conditions and restrictions have been submitted to the planning department for final review approval prior to filing and recordation of the map.

(3) A conversion report has been prepared by the building inspection department indicating that it is satisfied that the regulation violations noted in its Section 926-8.208 report have been, or are assured correction.

(Ord. 82-36 § 3).

Chapter 926-22 EXCEPTIONS

926-22.202 Procedure.

Notwithstanding the provisions of Chapter 92-6, no exceptions from the requirements of this division may be granted other than exceptions authorized by Chapter 92-6 from Sections 926-6.204, 926-6.206, 926-6.208, and 926-6.218.

(Ord. 82-36 § 3).

Title 10
PUBLIC WORKS AND FLOOD CONTROL

Chapters:

Division 1002. ENCROACHMENTS

*Chapter 1002-2 GENERAL PROVISIONS**

Sections:

1002-2.002 Definitions.

As used in this title the following words and phrases shall have the meanings given in this section:

(1) "Public highway" means the full width of the surfaced or traveled portion, including shoulders, of any road, street, path, lane, or alley dedicated to, reserved for, or used by or for the general public when those roads, streets, paths, lanes, and alleys have been accepted as and declared to be part of the county system of public highways, except highways forming a part of the state highway system or of an incorporated city street system.

(2) "Right-of-way" means all land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the general public for road or highway purposes.

(3) "Encroach" includes going on, over, or under, or using any right-of-way so as to prevent, obstruct, or interfere with the normal use of that way, including the performance of any of the following acts:

(A) Excavating or disturbing the right-of-way;

(B) Erecting or maintaining any post, sign, pole, fence, on, over, or under the right-of-way;

(C) Planting any tree, shrub, grass, or other growing thing within the right-of-way;

(D) Placing or leaving on the right-of-way any rubbish, brush, earth, or any material;

(E) Constructing, placing, or maintaining on, over, under, or within the right-of-way any pathway, sidewalk, driveway, or other surfacing, any culvert or other surface drainage or subsurface drainage facility; or any pipe, conduit, or cable;

(F) Traveling on the right-of-way by any vehicle or combination of vehicles or object of dimension, weight, or other characteristic prohibited by law without a permit;

(G) Lighting or building a fire within the right-of-way;

(H) Constructing, placing, planting, or maintaining any structure, embankment, excavation, tree, or other object adjacent to the right-of-way which causes or will cause an encroachment.

(5) "Director" means the director of public works, who is charged with the responsibility of road commissioner and surveyor.*

(6) "Permittee" means any person, firm, company, corporation, association, public agency, or organization that proposes to do work or encroach on a right-of-way as defined in this section and has been issued a permit for encroachment by the director. All obligations, responsibilities, and other requirements of the permittee as described in this title shall be binding on subsequent owners of the encroachment.

(Prior code § 7500: Ord. 1121: Ord. 1000).

* For director of public works as statutory office, see Section 24-22.002, this code.

1002-2.004 Right of lawful use.

Any permit granted under this title shall not annul the right of the county or any person, firm, corporation, district, or association entitled to use that part of the public right-of-way for any purpose for which it may be lawfully used, and no part of the public highway shall be unduly obstructed at any time.

(Prior code § 7501: Ord. 1000).

1002-2.006 Exception — County officers.

This title shall not apply to any officer or employee of this county in the discharge of the officer's or employee's ~~his~~ official duties.

(Prior code § 7502: Ord. 1000).

1002-2.008 Act requiring permit.

No person, firm, corporation, or association, without first obtaining a written permit, shall:

(1) Encroach or make any encroachment within, on, over, or under the limits of any right-of-way;

(2) Make any alteration within, on, over, or under right-of-way;

(3) Construct, put on, maintain, or leave on a right-of-way any obstruction or impediment;

(4) Cut, or trim trees or set a fire on a right-of-way;

(5) Place on, over or under a right-of-way any pipeline, conduit, or other fixture;

(6) Move over the surface of any right-of-way or over any bridge, viaduct, or other structure maintained by this county any vehicle or combination of vehicles or other object of dimension or weight prohibited by law or having other characteristics capable of damaging the right-of-way; or

(7) Place any structure, wall, culvert, or similar encroachment, or make any excavation or embankment so as to endanger the normal usage of the right-of-way.

(Prior code § 7503: Ord. 1000).

1002-2.010 Unacceptable permit applications; exception.

(a) Prohibition. No application will be accepted, nor any permit issued for constructing or maintaining a loading platform within or on the right-of-way; or for erecting, using, or maintaining a post, pole, column, or structure for the support of signs within or on the right-of-way; or for erecting, using, or maintaining signs which overhang the right-of-way. Any such encroachment is illegal.

(b) Exception. Notwithstanding subsection (a) of this section, the following may be permitted within a right-of-way:

(1) A sign on a structure that is used solely as a bus shelter;

(2) A directional sign that complies with Chapter 88-6 of this code.

(Ord. No. 2022-03, § VIII, 5-24-22; Ord. 93-30 § 6, 1993: Ord. 1669: prior code § 7504: Ord. 1000).

1002-2.012 Emergency work authorization.

This title shall not prevent any person from performing emergency maintenance on any pipe or conduit lawfully on or under any right-of-way, or from making an emergency use or encroachment necessary to preserve life or property when an urgent necessity arises, except that the person making an emergency use or encroachment of a right-of-way shall apply for a written permit within ten calendar days, beginning with the first business day the county offices open. Any person requiring an emergency use or encroachment shall first notify the director's office. During the hours the county offices are closed, notice shall be given the sheriff's office.

(Prior code § 7505: Ord. 1121: Ord. 1000).

1002-2.014 Appeal to board of adjustment.

Any person aggrieved by the refusal of a permit required by this title may appeal to the board of adjustment. Administration of this title is referred to the board of adjustment under Chapter 26-2.

(Prior code § 7506: Ord. 1000).

1002-2.016 Conditions for granting permit.

If, in addition to the requirements of Chapter 26-2, the board of adjustment finds all of the following to be true, the permit shall be granted:

(1) That the applicant will be substantially damaged by the refusal to grant the permit as requested;

(2) That no other reasonable method of obtaining the desired results is available except as proposed by applicant;

(3) That the granting of the permit will not be materially detrimental to the public interest, safety, health, and welfare or injurious to other property.

(Prior code § 7507: Ord. 1000).

1002-2.018 Removal of encroachments.

(a) Removal. The director may immediately remove an encroachment which is an advertising sign or device of any description, except a notice posted as provided by law or court order.

(b) Disposition. The director~~He~~ may sell, destroy or otherwise dispose of such an encroachment if it is unclaimed for ten days after its removal.

(c) Claims. Any person signing a verified claim of ownership may claim such an encroachment from the director for ten days after its removal, by paying an amount sufficient to reimburse the county for the costs of removal as established by board resolution.

(Ord. 74-74: S.&H.C. § 1480.5).

Chapter 1002-4 PERMITS

Sections:

1002-4.002 Issuance.

The written permits required by this title shall be issued by the director for any lawful use, subject to conditions set forth in this title and required by law. The director shall prescribe and provide a regular form of application for a permit required by this title. The application form shall contain space for the applicant's name and address and the contractor's name, license number, and primary place of business, if the applicant proposes to employ a contractor, together with the detail that in the judgment of the director is necessary to establish the purpose and use, location, dimension, and estimated dates of commencement and completion of the encroachment. The application form shall be completed and signed by the applicant and filed with the director.

(Prior code § 7520: Ord. 1000).

1002-4.004 Application—Exhibits required.

The applicant shall enclose with, attach or add to the application for a permit, a map, plat, sketch, diagram, or similar exhibit, when required by the director, of a size and in the quantity that the director ~~he~~ may prescribe, on which shall be plainly shown all information necessary to locate, delineate, illustrate, or identify the proposed use or encroachment and the right and necessity of the applicant to cause such encroachment. If necessary, changes, corrections, and notes will be made on the map, plat, sketch, diagram, or similar exhibit and these items will become an integral part of the permit.

(Prior code § 7521: Ord. 1000).

1002-4.006 Application—Consent of public bodies.

The applicant shall also enclose with, attach to, or add to the application copies of the written order or consent to any work under the permit, required by law, of the Public Utilities Commission, sanitary districts, water districts, or any other public body having jurisdiction. A permit shall not be issued until the order or consent, if required, is first obtained and evidence of it filed with the director. The permittee is responsible for being ~~shall keep himself~~ adequately informed of all state and federal laws and local ordinances and regulations which affect the permit. The applicant at all times shall comply with and shall cause all the applicant's ~~his~~ agents and employees to comply with all such laws, ordinances, regulations, decisions, and court and similar authoritative orders, and shall protect and indemnify the county and all of its officers, agents, and employees against any claims or liability proximately caused by the violations of such law, ordinance, regulation, or order issued under police power and in accordance with law, whether by the applicant ~~himself~~ or the applicant's ~~his~~ agents or employees.

(Prior code § 7522: Ord. 1000).

1002-4.008 Special permit required to move certain objects.

Before a vehicle or combination of vehicles or objects of weight, dimension, or characteristic prohibited by law without a permit, is moved on a public right-of-way, a permit shall first be granted by the director as set forth in specifications adopted by resolution of the board of supervisors.

(Prior code § 7523: Ord. 1000).

1002-4.010 Term—Beginning of work or use.

The permittee shall begin the work or use authorized by a permit issued under this title within ninety days from date of issuance, unless a different period is stated in the permit. If the work or use is not begun within ninety days, or within the time stated in the permit, then the permit shall become void, unless before its expiration the time for beginning has been extended in writing by the director. A permit for temporary encroachments, as determined by the director, for continuing a use or maintaining a temporary encroachment previously authorized, shall be valid for a term of one year from date of issuance, unless the permit specifies otherwise, or unless sooner terminated by discontinuance of the use, removal of the encroachment, or termination of the permit by written order of the director mailed thirty days before the date of termination.

(Prior code § 7524: Ord. 1000).

1002-4.012 Term—Completion of work.

The permittee shall complete the work or use authorized by a permit within the time specified in the permit. If at any time the director finds that delay in beginning, prosecuting, or completing the work or use is due to lack of diligence by the permittee, the director may cancel the permit and restore the right-of-way to its former condition or a safe condition, whichever is less expensive, or complete the work authorized by the permit. The permittee shall reimburse the county for all expenses incurred by the director in restoring the right-of-way, or completing the work, plus fifteen percent as administrative costs.

(Ord. 85-13 § 1: prior code § 7525: Ord. 1000).

1002-4.013 Unsatisfactory work—Correction by county—Costs.

If the director determines that the performance of the work described in a permit is unsatisfactory or unacceptable, or both, then the permittee shall reconstruct the work to the satisfaction of the director.

If the director determines that delay in pursuit or completion of the act or work is due to lack of diligence or to a willful act on the part of the permittee, or that the work is unsatisfactory, unacceptable, or both, if essential to the health, safety or welfare of the public, the director may request the board of supervisors for authorization to contract with any licensed general contractor to complete, erect, install, reconstruct, or alter all structures or work in conformance with the permit, or to remove all structures and obliterate all work not completed. The costs incurred thereby shall be repaid to the county from the cash or surety bond deposited by the permittee with the county for the performance of the work; provided that any and all costs incurred by the county which exceed the cash deposit or surety bond's penalty sum shall be paid by the permittee to the county.

(Ord. 85-13 § 2: prior code § 7525: Ord. 1000).

1002-4.014 Nontransferable.

No permit issued under this title is transferable. The person, public agency, firm, or corporation actually making or maintaining the encroachment shall obtain the permit and furnish the bond.

(Prior code § 7526: Ord. 1000).

1002-4.016 Display requirements.

The permittee shall keep any permit issued under this title at the site of work, or in the cab of a vehicle when its movement on a public highway is involved, and the permit must be shown to any authorized representative of the director or law enforcement officer on demand.

A permit issued for continuing use or maintenance of an encroachment may be kept at the place of business of the permittee or otherwise safeguarded during the term of validity but shall be made available to an authorized representative of the director or law enforcement officer within a reasonable time after demand.

(Prior code § 7527: Ord. 1000).

1002-4.018 Encroachment or use change.

No changes shall be made in the location, dimensions, character, or duration of the encroachment or use granted by the permit except on written authorization by the director, but no permit shall be required for the continuing use or maintenance of encroachments installed by public utilities or for changes to them where the changes or additions require no excavation of the right-of-way.

(Prior code § 7528: Ord. 1000).

1002-4.020 Fees.

The schedule of fees will be those recommended by the director and established and adopted by the board of supervisors from time to time by resolution. Before a permit is issued the applicant shall deposit with the director for payment to the treasurer of the county cash or check in a sufficient sum to cover the fee for issuance of the permit, charges for field investigation, and the fee for necessary inspection, all in accordance with schedules established and adopted by the board of supervisors.

Public utilities and political subdivisions, at the director's option, may make payment for the above changes as billed by the county instead of advance deposit as required above.

(Prior code § 7529: Ord. 1000).

Chapter 1002-6 SECURITY

Sections:

1002-6.002 Cash deposit.

Unless this section is waived in the permit and before a permit is effective, an applicant shall deposit with the director, or an agent authorized by resolution of the board of supervisors, cash or a certified or cashier's check in a sum to be fixed by the director as sufficient to reimburse the county for costs of restoring the right-of-way to its former condition or a safe condition, or completing the work, based on the schedules, if any, adopted by resolution of the board of supervisors; but an applicant may file a cash deposit on an annual basis in a sum estimated by the director as sufficient to cover the applicant's~~his~~ activities during any twelve-month period.

(Ord. 85-13 § 1: prior code § 7540: Ord. 1000).

1002-6.004 Bond in lieu of cash deposit.

Instead of the cash deposit prescribed by Section 1002-6.002, the applicant on approval of the director may file a cash deposit in the minimum sum established by the schedules, if any, adopted for that purpose by the board of supervisors and in effect at the time of application for a permit; the balance of the sum fixed by the director as sufficient to reimburse the county for expenses incurred in restoring the right-of- way to its former condition or a safe condition, or completing the work, shall be filed in the form of an approved surety bond issued by a company authorized to do a general surety business in the state of California.

(Ord. 85-13 § 1: prior code § 7541: Ord. 1000).

1002-6.006 Annual bond.

Instead of a cash deposit, the applicant, on approval by the director, may annually file with the director an approved surety bond issued by a company authorized to do a general surety business in the state, in a sum fixed by the director as sufficient to reimburse the county for expenses to be incurred in restoring the right-of-way to its former condition, subject to the schedules, if any, adopted by resolution of the board of supervisors.

(Prior code § 7542: Ord. 1000).

1002-6.008 Additional bond or cash deposit.

The director may require an additional bond or cash deposit at any time that evidence indicates that the amount of the bond or cash deposit previously made is insufficient to cover the cost of restoring the right-of-way to its former condition, subject to the schedules, if any, adopted by resolution of the board of supervisors.

(Prior code § 7543: Ord. 1000).

1002-6.010 Condition of bond or cash deposit.

The condition of any bond or cash deposit made under this title shall be that the permittee comply diligently and in good faith with this title and the terms and conditions of the permit.

(Prior code § 7544: Ord. 1000).

1002-6.012 Payable to county—Release.

Any bond or cash deposit required by the director under this title shall be payable to the county and shall be filed with the director, who shall release it ninety days after satisfactory completion of all work authorized in the permit and fulfillment of all conditions of the permit.

(Ord. 75-51).

1002-6.013 Forfeiture of cash deposit—Work not completed.

The cash deposit shall be forfeited to the county if work authorized by the permit has not been completed within one year after the permit's expiration date, provided that no action has been started under Section 1002-4.12 or Section 1002-4.013 to have the work restored or completed.

(Ord. 85-13 § 2).

1002-6.014 Certificate of insurance in lieu of cash deposit or bond.

The public works director may waive the provisions of this chapter relating to cash deposit or surety bond for permits required under Section 1002-4.008, except where permits are also required under Chapters 714-2 through 714-6, upon satisfactory proof by certificate of insurance that the permittee is adequately insured to assure reimbursement to the county for repair of any damage caused to county property.

(Ord. 1697: prior code § 7546).

1002-6.016 Certificate of liability insurance.

In addition to the other requirements of this chapter, the director may require satisfactory proof by certificate of insurance that the permittee has in force a valid public liability insurance policy which includes the county, its officers, employees and agents as additional insureds. When so required, the insurance coverage shall be in an amount the director deems sufficient to adequately protect the additional insureds from liability for damages to person(s) or property(s) arising from the activities related to the permit.

(Ord. 77-103).

Chapter 1002-8 REQUIREMENTS

Sections:

1002-8.002 Safeguards required.

The permittee, in the conduct of the work, use, or maintenance of an encroachment authorized by a permit issued under this title, shall provide, erect, or maintain the lights, barriers, warning signs, patrols, watchmen, and other safeguards necessary to protect the traveling public. Any omission on the part of the director to specify in the permit what lights, barriers, or other protective measures or devices shall be provided, erected, or maintained by the permittee, or the fact that the director may not specify sufficient lights, barriers, or other protective measures or devices, shall not excuse the permittee from complying with all requirements of law and appropriate regulations and ordinances for adequately protecting the safety of the traveling public. If at any time the director finds that suitable safeguards are not being provided, the county may provide, erect, maintain, relocate, or remove the safeguards deemed necessary or may cancel the permit and restore the right-of-way to its former condition, all at the expense of the permittee.

A permittee making any excavation or leaving any obstruction within, under, or on the right-of-way, or causing the same to be made, erected, or left, shall place and maintain lights at each end of the excavation or obstruction, at not more than fifty-foot intervals along the excavation or obstruction, from one-half hour before sunset of each day to one-half hour after sunrise of the next day, until the excavation is entirely refilled or the obstruction removed and the right-of-way made safe for use. In addition, reflectorized warning signs conforming to the requirements of the California Division of Highways shall be placed two hundred and four hundred feet from each excavation or obstruction, in a position adequately to warn public traffic.

The warning signs, lights, and other safety devices shall conform to the requirements of Section 21406 of the Vehicle Code of the state and of any sign manual issued by the Department of Public Works of the state.

(Prior code § 7560: Ord. 1121: Ord. 1000).

1002-8.004 Start of work.

Unless otherwise exempt in the permit, the permittee shall notify the director of the time of beginning work before beginning any work which includes:

(1) Excavation; or

(2) Construction of concrete sidewalks, curbs, gutters, or driveway approaches; or

(3) Planting, trimming, or removing trees; or

(4) Making, placing, or causing an obstruction in the right-of-way.

(Prior code § 7561: Ord. 1000).

1002-8.006 Completion of work.

Unless this section is waived in the permit, the permittee shall notify the director of the completion of all work. No work shall be deemed completed until notice of completion is given under this section.

(Prior code § 7562: Ord. 1000).

1002-8.008 Drainage.

If the work, use, or encroachment authorized in a permit issued under this title interferes with the established drainage, the permittee shall provide for proper drainage as approved by the director and shall comply with the requirements of Division 1010.

(Prior code § 7563: Ord. 1000).

1002-8.010 Interference with travel of public.

All work or use shall be planned and executed to cause least interference with the safe and convenient travel of the general public at the place where the work or use is authorized. At no time shall a public highway be closed or its use denied to the general public without the written permission of the director, nor shall use of private property be interfered with unreasonably without the consent of the owner.

(Prior code § 7564: Ord. 1000).

1002-8.012 Restoration of right-of-way.

On completion of the work, acts, or things for which a maintenance or encroachment permit was issued, or when required by the director, the permittee shall replace, repair, or restore the right-of-way as provided in this title and adopted specifications, or as directed by the director within the limits of the specification. The permittee shall remove all obstructions, impediments, material, or rubbish caused or placed on the right-of-way and shall do any other work or perform any act necessary to restore the right-of-way to a safe and usable condition, as directed by the director.

After completion of all work, the permittee shall exercise reasonable care in inspecting and maintaining the area affected by the encroachment. On notice from the director the permittee shall immediately repair any injury, damage, or nuisance in any portion of the right-of-way resulting from the work done under the permit. If the permittee fails to act promptly or if the exigencies of the injury or damage require repairs or replacement to be

made before the permittee can be notified or can respond to notice, the county at its option may make the necessary repairs or replacements or perform the necessary work and the permittee shall be charged the actual costs of labor and materials, plus fifteen percent as administrative costs. By acceptance of the permit, the permittee agrees to comply with this section.

(Prior code § 7565: Ord. 1000).

1002-8.014 Relocation or removal of installations.

If any future construction, reconstruction, or maintenance work on a public right-of-way requires the relocation or removal of installations or encroachments in, on or under the public right-of-way, the permittee owning, controlling, or maintaining the installations or encroachments shall relocate or remove them at the permittee's ~~his~~ sole expense; but this provision shall remain in effect only so long as the right-of-way on which the installations or structures are located is used for usual highway purposes and not as a freeway, and this provision shall cease to apply when the highway becomes a freeway. When removal or relocation is required, the director shall give the permittee a written demand specifying the place of relocation, or that the installations or encroachment must be removed from the right-of-way, and specifying in the demand a reasonable time within which the encroachment must be removed or relocated. If the permittee fails to comply with instructions, the county may cause the removal or relocation of the encroachment at the expense of the permittee.

(Prior code § 7566: Ord. 1000).

1002-8.016 Repair work supervision and inspection.

All encroachment repair work done under a permit issued under this title shall conform to specifications established by the director or, in the absence of established specifications, to recognized standards of construction and approved practices in connection with such work. All encroachment repair work shall be done subject to approval of the director.

Unless otherwise noted on the permit all encroachment repair work performed on any public highway or right-of-way under the jurisdiction of the county shall conform to the construction specifications contained in the current edition of the Standard Specifications of the state of California, issued by the Department of Public Works, Division of Highways, as may be amended by special provisions adopted by the board of supervisors.

(Prior code § 7567: Ord. 1000).

1002-8.018 Storage of material.

No material shall be stored within five feet of a public highway. Excess earth materials from trenching or other operations shall be removed from the pavement, traveled way, or shoulder as the trench is backfilled or other work carried forward unless otherwise approved by the director.

(Prior code § 7568: Ord. 1000).

1002-8.020 Pipes and conduits—Generally.

Utility, service, and other small diameter pipes or rigid conduits shall be jacked, bored, or driven, or otherwise forced underneath a paved surface. The paved surface of a road shall not be cut, trenched, or otherwise disturbed unless specifically authorized in the permit. No tunneling will be permitted except as specifically set forth in the permit.

(Prior code § 7569: Ord. 1000).

1002-8.022 Pipes and conduits—Minimum cover.

The minimum cover over all pipes or conduits larger than two and one-half inches installed within the right-of-way shall be three feet of earth or imported material, unless otherwise specified in the permit. Within the public highway, the minimum cover of three feet shall be measured from the surface, existing or planned. The director is authorized to permit installation of pipes or conduits where three feet of cover cannot be provided because of topography, structures, or other engineering necessity.

(Prior code § 7570: Ord. 1000).

1002-8.024 Backfilling.

Backfilling and compaction of an excavation shall accord with specification established by the director and adopted by resolution of the board of supervisors, both as to material and method.

(Prior code § 7571: Ord. 1000).

1002-8.026 Poles and transmission line carriers.

Clearances and types in the construction of poles and transmission line carriers shall accord with rules, regulations, and orders of the Public Utility Commission and other public agencies having jurisdiction.

No guy wires shall be attached to trees without specific authorization in the permit, and in no event shall guy wires be attached to girdle the tree or interfere with its growth. Guy wires shall not be below the minimum elevation above the ground prescribed in the rules, orders, and regulations of the Public Utilities Commission.

The permittee shall remove and keep clear all vegetation on the right-of-way within a radius of at least five feet of poles when ordered by the director.

When a pole, guy, stub, or similar timber is removed and not replaced, the entire length shall be removed from the ground and the hole backfilled and compacted.

(Prior code § 7572: Ord. 1000).

1002-8.028 Aids to visibility.

When the location or position of a pole or other obstruction makes accentuation of its visibility to vehicular traffic necessary, the director may require that the pole or other obstruction be painted or equipped with reflectors or other aids to visibility prescribed or authorized by the Public Utilities Commission or the Department of Public Works of the state of California, at the expense of the permittee.

(Prior code § 7573: Ord. 1000).

1002-8.030 Movement of vehicles.

(a) When authorized, by a permit issued under Section 1002-4.008, to move a vehicle or combination of vehicles or load of dimension, weight, or other characteristic generally prohibited by law, the permittee, unless exempt by special permit, shall comply with the general law regulating travel over a road or highway, including:

(1) Posted signs or notices which limit speed or direction of travel;

(2) Weight which may be placed on a structure;

(3) The width or height that may be moved; or

(4) Other restrictions or control of travel on a road or highway.

(b) The permittee at all times shall conform to and abide by the practice and procedure necessary to make safe and convenient the travel of the general public and to keep safe and preserve the road or highway over and on which movement is being made. Any violation of this section shall automatically cancel the permit issued to the permittee.

(Prior code § 7574: Ord. 1121: Ord. 1000).

1002-8.032 Mail box placement.

All mail boxes shall be placed in accordance with the rules and regulations of the United States Post Office Department, but no box shall be so placed within the road right-of-way as to endanger the life or safety of the traveling public. A permit is not required for the placing of mail boxes.

(Prior code § 7575: Ord. 1000).

1002-8.034 Tree—Planting and maintenance.

Applications for permits to plant trees in the right-of-way shall be made on a form prescribed by the director. The form shall include, in addition to the other requirements, an agreement by the applicant to maintain the trees in a neat, healthy, and safe condition to the satisfaction of the director, and an agreement to remove the trees as directed by the director and to pay the cost of removal on the permittee's failure promptly to remove the trees on direction of the director. The application shall show the exact location and kind of trees to be planted, and no change shall be made either in the location or kind of trees without the written approval of the director.

All trees placed in the right-of-way shall be maintained by the permittee or ~~his~~ the permittee's successor in interest or by some other interested party in a neat, healthy, and safe condition to the satisfaction of the director and at no expense to the county. If the encroachment is not located or maintained as specified in this section, the director may direct the permittee to remove the encroachment and restore the right-of-way to its former condition at the expense of the permittee. If the permittee fails promptly to remove the encroachment as directed, the director shall have the right to remove it and collect the cost of removal from the permittee, together with all of the county's costs and expenses in enforcing collection.

The director shall refuse to issue a permit authorizing the planting of trees in the right-of-way when in ~~his~~ the director's judgment the location as described in the application or the nature of the growth above or below ground of the kind of tree proposed will impede or inconvenience public travel, unduly disturb the right-of-way, interfere with the construction or maintenance of necessary facilities, or interfere with existing pipe lines, utility installations, or other facilities lawfully placed within the right-of-way.

(Prior code § 7576: Ord. 1121).

1002-8.036 Tree—Trimming or removal.

Trimming of trees will be permitted only when and in the manner authorized by a permit issued under this title so that the shapeliness of the tree may be preserved.

An application for removal of a tree will be approved and permit issued only when a necessity for removal exists. When a tree is removed under authority of a permit, the entire stump shall be taken out for a distance of at least two feet below the ground surface unless otherwise specified in the permit, and the hole shall be backfilled and tamped. All debris from trimming or removal shall be removed from the site and the right-of-way restored to its former condition.

(Prior code § 7577: Ord. 1000).

1002-8.038 Hedge and fence—Permit required.

No hedge, shrub, or other planting whatever, or fence or similar structure, except as provided in Section 1002-8.042, shall be planted, erected, or maintained in a right-of-way without a permit.

No hedge, shrub, or other planting whatever or fence or similar structure shall be maintained across any existing walkway in a sidewalk area or shoulder. The intent of this restriction is to keep a walkway free for pedestrian or other lawful public travel without interference by or with vehicular travel. No encroachment will be permitted or maintained which impedes, obstructs, or denies pedestrian or other lawful travel within the limits of the right-of-way of a public highway or impairs adequate sight distance for safe pedestrian or vehicular traffic.

(Prior code § 7578: Ord. 1000).

1002-8.040 Hedge and fence—Maintenance.

The permittee or property owner shall maintain the hedges, shrubs, or other planting, or fence or similar structure, used for landscaping purposes in a neat and orderly condition at all times. If the encroachment is not maintained as specified in this section, or is located in violation of Section 1002-8.038, the director may direct the permittee or property owner to remove the encroachment and restore the right-of-way to its former condition at the expense of the permittee or property owner.

(Prior code § 7579: Ord. 1000).

1002-8.042 Lawns.

Other provisions of this title notwithstanding, it is lawful for a person, firm, or corporation or other body of persons to plant and maintain a lawn or similar ground cover of any grass or type not otherwise prohibited by law within the right-of-way without a written permit. However, the lawn or similar ground cover shall not extend into the traveled way nor into the drainage ditches, gutter, or other drainage facilities.

The general public shall not be denied the use of a planted area for pedestrian travel or other lawful use. The county may use the planted area for any purpose and may issue a permit to any applicant to go on the planted area to perform work or otherwise encroach under this title. If the lawn or similar ground cover is damaged or disturbed in the course of an authorized encroachment, the permittee will be held responsible for the replacement unless the permit specifically states otherwise.

(Prior code § 7580: Ord. 1121: Ord. 1000).

1002-8.044 Marking of streets, curbs and sidewalks.

No person, without first obtaining a permit, shall solicit on a commercial or donation basis to place or maintain any number, figure, letter, carving, drawing, design, or other marking on any street, sidewalk, or curb. Temporary markings to identify survey or construction locations shall not be subject to this section.

(Prior code § 7581: Ord. 1000).

1002-8.046 Monuments.

Any monument of granite, concrete, iron, or other lasting material set for the purpose of locating or preserving the lines or elevation of any public highway or right-of-way, property subdivision, or a precise survey point or reference point shall not be removed or disturbed without first obtaining permission from the director. Permission shall be granted in conformance with requirements set forth in specifications adopted by resolution of the board of supervisors. Replacement of removed or disturbed monuments shall be at the expense of the permittee.

(Prior code § 7582: Ord. 1000).

Division 1004 FRANCHISES IN COUNTY ROADS
(Reserved for future legislation)

Chapter 1004-2 PIPELINE FRANCHISES

Article 1004-2.2. General Provisions

1004-2.202 Title.

This chapter is known as the Pipeline Franchise Ordinance of Contra Costa County.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.204 Purpose.

The purpose of this chapter is to establish procedures and requirements for granting pipeline franchises in, under, along, and across county rights-of-way, so that the county may enter into franchise agreements with public utilities, electricity generation businesses, oil or gas distributors, or other entities wishing to install pipelines within county rights-of-way. The provisions of this chapter codify and amend Ordinance No. 1827 (enacted July 28, 1964), as subsequently amended by Ordinance No. 79-50 (enacted April 10, 1979) and Ordinance No. 92-64 (enacted September 15, 1992).

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.206 Application.

This chapter applies to all new applications for pipeline franchises, as well as to all applications for renewal, extension and transfer of franchises that were originally created before the enactment of this chapter, except where specifically stated otherwise.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.208 Definitions.

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

(a) "Applicant" means any person applying for a pipeline franchise under this chapter, including any person seeking to renew a franchise granted prior to the effective date of this chapter.

(b) "Contaminant" means any substance, material, chemical or waste occurring in any state in nature that: (1) is listed, defined, or is or becomes regulated by any governmental agency as hazardous, toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or dangerous, or as having toxic characteristics; or (2) is a liquid hydrocarbon or gaseous hydrocarbon substance or petroleum product; or (3) is or contains asbestos or polychlorinated biphenyl; or (4) is considered a hazardous waste, material or substance, or solid waste, pollutant or contaminant, as those terms are defined in their broadest sense by any applicable law, including but not limited to 42 U.S.C. Sections 6901 et seq.; 33 U.S.C. Sections 1317 and 1321; 49 C.F.R. Sections 195.2 and 172.101; 40 C.F.R. Part 302; Section 763(f)(3) of the California Code of Civil Procedure; and Section 25401.1 of the California Health and Safety Code. The term "contaminant" does not include potable water delivered in compliance with applicable law.

(c) "County highway" means the area within the right-of-way for all county highways and roads accepted into the county road system by board resolution or maintained by the county as a highway or road, and in which the county has the authority to grant a franchise.

(d) "Environmental condition" means the presence or release, or threatened presence or release, of any contaminant on, above, under, or from franchise property into any of the following: surface water, ground water, drinking water supply, soil, land surface, or ambient air.

(e) "Environmental damage claims" mean all claims (including strict liability claims), judgments, damages, losses, penalties, fines, liabilities, encumbrances, liens, costs and expenses of investigation, analysis, remediation and defense of any claim, whether a claim is ultimately defeated, and any good faith settlement of whatever kind or nature, contingent or otherwise, complete or undeveloped, foreseeable or unforeseeable, including without limitation reasonable attorneys' fees and disbursements, expert or consultant fees, any of which are incurred at any time as a result of any environmental condition or the presence or suspected presence of any contaminant, upon, about, or beneath any facility or the release or threatened release to or from any facility, or the existence of a violation of any applicable law, including without limitation:

(1) All damages for personal injury, injury to property, or natural resources occurring upon or off any facility, whether foreseeable or unforeseeable, including without limitation, lost profits and consequential damages, the cost of demolition, rebuilding of any improvements on real property, remediation, interest and penalties, and including, but not limited to, claims brought by or on behalf of employees of grantee;

(2) Fees or expenses incurred by the county or third parties for the services of attorneys, experts, consultants, contractors, laboratories and any and all other remediation costs and other costs reasonably incurred in connection with the investigation or remediation of contaminants or violations of applicable law, including, but not limited to preparation of studies or reports or the performance of cleanup, remedial work, removal, response, abatement, containment, closure, restoration or monitoring work required by any governmental agency, or reasonably necessary to make economic use of any property, or which are otherwise expended in connection with the existence or release of contaminants on or from any facility, and including attorneys' fees, costs and expenses incurred in enforcing the provisions of the franchise or in collecting any sums due hereunder;

(3) Liability to any third person, or to any governmental agency, to defend or indemnify the person or agency for costs expended in connection with the items referenced in subparagraphs (1) and (2) above; and

(4) The diminution in the value of any public place or property in the vicinity of a facility, and any damages for the loss of business and restriction on the use of or adverse impact on the marketing or rentable or useable space of any aspect of any property affected by contaminants or violation of any of applicable law.

(f) "Facility", "facilities", "franchise property" or "appurtenances" means all property of a grantee, including, but not limited to, pipes, pipelines, pump stations, structures, installations, equipment, storage containers, service connections and appurtenances, such as valves and corrosion control devices, whether installed by the grantee or not, erected, constructed, laid, operated or maintained in, upon, over, under, along or across any public place in the unincorporated portion of the county, or on property owned by the county, pursuant to any right or privilege granted by a franchise.

(g) "Franchise" means a grant of the rights and privileges by the county pursuant to and as described in this chapter.

(h) "Grantee" means the entity to which a franchise is granted and its lawful successors and assigns.

(i) "Initial term" is defined in Section 1004-2.402(a).

(j) "Pipeline franchise" means a franchise to construct, maintain, operate, repair, renew and remove or abandon in place, one or more pipelines, for the transportation of petroleum, liquid hydrocarbon substances, gas, including hydrogen, natural gas, mud, steam and other liquid and gaseous substances, including water connected with the primary business of the franchise holder, together with all manholes, service connections and other appurtenances necessary or convenient for the operation of the pipelines, in, under, along, and across county highways in the unincorporated portion of the county, or on property owned by the county.

(k) "Public works department" means the public works department of the county.

(l) "Road commissioner" means the Road Commissioner of Contra Costa County, who is the director of the public works department.

(m) "Service connection" means the wire, pipes, or conduits connecting the building or place where the service or commodity supplied by the grantee is used or delivered, with the supply line or supply main.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.210 Administration.

The road commissioner, or the road commissioner's ~~his or her~~ designee, is responsible for administering all franchises granted under this chapter. These administrative duties include processing franchise applications, verifying franchise acceptances, issuing required encroachment and drainage permits, collecting and verifying franchise fee payments, maintaining accurate maps and records that document the type and location of franchise property, and any other administrative actions associated with the franchises granted under this chapter.

(Ord. No. 2013-19, § II, 8-13-13)

Article 1004-2.4. Terms and Conditions

1004-2.402 Term.

(a) Initial Term. The initial term of a franchise is ten years from the effective date of the resolution granting the franchise, unless the resolution granting the franchise provides otherwise (the "initial term"), subject to renewal and termination as provided under this section. The franchise terminates at the end of its term unless earlier terminated.

(b) Renewal Terms. At the conclusion of the initial term and upon application by the grantee, the term of the franchise may be renewed by the board of supervisors for an additional ten-year period, and thereafter for a second, additional ten-year period as long as the grantee has fully complied with all of the terms of the franchise, including but not limited to payment of all franchise fees and all applicable laws. An application for renewal shall be filed with the board of supervisors at least six months before the expiration date of the current term. A renewal application is subject to the approval of the board of supervisors. In approving the application, the board of supervisors may modify the franchise based upon, but not limited to, compliance with a new franchise ordinance and all amendments to this ordinance, the experience of the county and other cities and governing agencies in administering the franchise during the preceding term, changes in the Consumer Price Index, changes in relevant technology, changes in applicable law, including but not limited to amendments or modifications of the Public Utilities Code, changes in relevant environmental practices and requirements, utility industry regulatory developments and business practices, and other factors the board of supervisors considers relevant at the time the board of supervisors considers the application for renewal. In order for a renewal to be effective, the grantee shall accept the renewal pursuant to Section 1004-2.414(a). Nothing in this ordinance, however, shall obligate the county to renew a franchise.

(c) Termination. During the term of the franchise, the franchise shall remain in full force and effect unless the grantee provides six months' advance notice to the road commissioner that: (1) the grantee voluntarily surrenders or abandons the franchise, in compliance with the removal and abandonment provision in Section 1004-2.804; (2) the state of California or a municipal or public corporation purchases by voluntary agreement or condemns and takes under the power of eminent domain, all property actually used and useful in the exercise of the franchise and situated within the territorial limits of the state, municipal or public corporation purchasing or condemning the property, or (3) the franchise is forfeited for noncompliance with its terms by the grantee. After any termination, the following provisions of this chapter will continue to apply to the grantee: 1004-2.412 (damage to property); 1004-2.416 (insurance requirements); 1004-2.418 (liability, indemnity); 1004-2.420 (release of contaminants); 1004-2.802 (relocating); and 1004-2.804 (removal or abandonment of facilities).

(d) Public Utilities. If a franchise has been granted to a grantee that is not a public utility, and that grantee subsequently qualifies before the Public Utilities Commission of the state of California as a common carrier, the grantee shall then have no right after the qualification date to continue to operate under its franchise, except with the consent of the board of supervisors, granted upon additional terms and conditions as the board of supervisors may deem proper. Any additional terms and conditions shall be expressed by resolution.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.404 Conditions.

(a) Conditions for Grant. Every pipeline franchise granted by the county is granted subject to all provisions prescribed by this chapter and the resolution granting the franchise, and to all applicable laws and regulations.

(b) Construction; Permits and Locations. All franchise property: (1) must be constructed, installed and maintained in a good and workmanlike manner and of good material, in accordance with all applicable safety laws and requirements; (2) may not interfere with the use of county highways by the traveling public or for other public purposes; and (3) must conform to all applicable laws, including Divisions 1002 and 1010 of the code. A grantee shall obtain all required permits and approvals, including without limitation, all permits and approvals required by the applicable fire protection district or the state fire marshal, as the case may be. A grantee may not commence any construction or work on franchise property until the road commissioner has approved all franchise property locations and work plans. A grantee shall comply with the county's terms and conditions concerning the location within the public places in the unincorporated portion of the county or on property owned by the county, of proposed facilities, except to the extent state or federal law or regulation preempts any terms and conditions, and then the location of any proposed facilities will be subject to the state or federal terms and conditions to the extent they preempt the county's terms and conditions. Notwithstanding the foregoing, a grantee may conduct emergency repairs to franchise property without obtaining the required permits and approvals if the emergency situation renders it dangerous to delay the repairs until after obtaining the required permits and approvals. Any grantee that makes emergency repairs without a permit shall submit plans to the road commissioner as soon as possible to obtain a permit for the work performed, and shall make any changes to the repairs as required by the road commissioner.

(c) Restoration. Upon constructing, maintaining or using any pipes and appurtenances or other facilities, or any part thereof, the grantee shall expeditiously at its own cost and expense restore to the county's standards all public places disturbed or altered as a result of grantee's actions.

(d) Limitations of Pipeline Franchises. No pipeline franchise granted under this chapter shall be construed or interpreted to permit a grantee to use any franchise property for any purpose other than the transmission of liquid or gaseous substances, or ensuring the integrity and safety of the pipeline, unless approved in advance in writing by the public works department. Nothing in this chapter shall be construed to permit a grantee to construct new poles or other new franchise property above or below ground, except as permitted in writing by the public works department. Fiber optic or telecommunications facilities may be used only for pipeline operations, maintenance and safety, and for no other purpose, unless the franchise agreement expressly provides for this type of use. A grantee may not allow third parties to use franchise property without the prior written consent of the road commissioner.

(e) Non-Exclusivity. A franchise granted under this chapter is non-exclusive. A franchise does not convey to a grantee an easement or any other right, title, or interest, but conveys the limited, specific rights and privileges to enter upon and use the pipelines in the manner set forth in, and subject to the conditions, limitations, and obligations of, this chapter.

(f) Contaminants. A grantee may not allow any contaminant to be generated, used, stored for any period of time, released on, under, or from any franchise property, except in full compliance with all applicable laws. If any potential or known release, threatened release, generation, storage, disposal or placement of any contaminant occurs on, in, near, or from any franchise property, the grantee shall immediately notify appropriate emergency personnel, public agencies, and the public works department.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.406 Application and grant of franchise; county costs.

(a) Application. Each application for an initial grant of franchise, or for an extension, renewal, transfer or continuance of a previously granted franchise, must be submitted in writing, in a format determined by the road commissioner. At a minimum, each application must specify: (1) the number, diameter, length and type of the pipeline(s) to be installed; (2) the substance(s) to be transported through the pipeline(s); (3) a map describing the location(s) of the franchise property in accordance with Section 1004-2.410 of this code; (4)

the amount(s) the applicant proposes to pay to the county annually during the life of the franchise if granted; and (5) any other information required by the public works department.

(b) Additional Information. In addition to the above requirements, unless exempted from disclosure to the county by a provision of the federal Homeland Security Act (6 U.S.C. Sections 101 et seq.) or other applicable law that is specifically identified by the applicant, an application for a pipeline franchise shall also provide the following information for existing and new pipelines to the public works department including, but not limited to: the volume; pressure and type of substances being transported by the pipeline; the size, date of construction and material specifications of the pipeline; maximum pipeline pressure ratings; the date of the most recent inspection required by law; a copy of the most recent certifications from all applicable regulatory agencies; a detailed description of materials transported, maximum daily volumes, and certifications from all agencies responsible for permitting and operation of the pipeline facilities, as applicable; evidence of public utility status, if any; and the pipeline emergency plan specified in Section 1004-2.410, and any other information as may be requested by the road commissioner and the applicable fire protection district. Any information provided to the county pursuant to this chapter is potentially subject to the disclosure requirements of the California Public Records Act (Government Code §§ 6250, et seq.) and the County Better Government Ordinance (County Ordinance Code, Division 25), subject to any valid exceptions.

(c) County Costs. An applicant for a pipeline franchise shall reimburse the county for all of the county's administrative costs, staff time, administrative, legal and consulting fees incurred by the county, in connection with processing the application or an application for the extension or transfer of a franchise, including but not limited to the preparation of any reports, statements or studies pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.) and any similar federal statute, and for any advertising and publishing costs, including the cost of publishing the ordinance, if necessary, incurred in connection with the granting of the franchise and any legal and consulting fees incurred by the county, in connection with oversight, supervision and administration of the pipeline franchise. Upon request of a grantee, county will provide an itemized accounting of county's costs.

(d) Payment of Costs. The grant of a pipeline franchise and its continued effectiveness shall be conditioned upon the applicant's full payment of the county's costs relating to the granting and administration of the franchise.

(e) Renewal. An application for the renewal of an existing franchise pursuant to Section 1004-2.402(b) will be denied if the grantee is not in full compliance with all of the terms and conditions of its existing franchise, this chapter and the code, including but not limited to payment of any unpaid franchise fees, interest and late fees. No application for the renewal of an existing franchise will be processed by the county or will be considered by the board of supervisors, nor will any renewal franchise be granted, unless the grantee pays the county in full any and all unpaid franchise fees, interest and late fees that have accrued through the date of the application, and thereafter, through the date of the grant of the renewed franchise, as determined by the county.

(f) Deposit. Upon its application for an initial franchise or a renewal or extension, transfer, sale, lease, or assignment of an existing franchise, the applicant shall deposit with the public works department an amount established by resolution of the board of supervisors.

(g) Use of Deposit. The county will deduct from an applicant's deposit any and all of its administrative costs, staff time, administrative, legal and consulting fees incurred by the county, in connection with processing the application and administering the pipeline franchise, including but not limited to the preparation of any documents pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.). The amounts deducted will be calculated in accordance with the public works department fee schedule.

(h) Deposit Renewal. When a grantee's initial administrative deposit (or any subsequent administrative deposit) is depleted, the grantee shall, within thirty days after receiving notice and a written statement from the county of all costs and fees deducted from the initial administrative deposit, make an additional

administrative deposit in the amount requested by the public works department, not to exceed the amount established by resolution.

(i) Excess Deposit. The public works department will return to a grantee any remaining funds on deposit after the public works department determines that all administrative tasks have been completed following termination of a franchise.

(j) Payment Requirement. The grant and continuation of a franchise is conditioned upon the full payment of the county's administrative costs.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.408 Resolution.

The board of supervisors grants, renews, extends, transfers, or continues pipeline franchises by resolution.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.410 Maps, drawings, and emergency provisions.

(a) Maps and Drawings.

(1) A grantee shall file a map or maps with the road commissioner showing the accurate location, depth, and size of the constructed facilities or appurtenances, both upon filing an application for a new pipeline franchise or an extension of an existing franchise, and within sixty days following the date on which any facilities or appurtenances have been constructed, laid, removed or abandoned under a franchise.

(2) Each map must:

(A) Be in both hard copy format and an electronic format acceptable to the road commissioner and be drawn to a scale of not less than six hundred feet to one inch;

(B) Show in detail the exact location, size, description and date of installation, if known, of all existing or proposed pipelines, mains, transmission lines, laterals, and service pipes that are equal to or greater than three inches in diameter, and all valves, pressure regulators, drips, and transformer chambers installed beneath the surface of all county highways that belong to, are used by, or are under the control of the grantee or the grantee's successors or assigns;

(C) Be accompanied by an affidavit, endorsed by the grantee, verifying its correctness;

(D) Refer to any and all permits that authorized the work; and

(E) Disclose any and all substances that are transmitted through the pipelines.

(3) Within thirty days after the date on which any facilities or appurtenances have been acquired, constructed, laid, removed or abandoned under a franchise, the grantee shall submit to the public works department as-built drawings of the acquired, constructed, laid, removed or abandoned franchise property.

(4) In lieu of filing a map or maps with the road commissioner as required by subsection (a)(1) above, a grantee may satisfy the requirements of this Section 1004-2.410 by filing its maps with the Pipeline and Hazardous Materials Safety Administration National Pipeline Mapping System. If a grantee's maps are so filed, the grantee shall allow public works department staff to inspect the maps at grantee's facilities.

(b) Pipeline Inspections and Test Results. A grantee shall test all pipelines as required by the state fire marshal or other state or federal agency with jurisdiction over the pipeline or by any applicable law, and must make available for inspection by the public works department the results of all pipeline inspections and pipeline tests that are required by the state fire marshal and by all applicable laws within sixty days of the grantee's receipt of those results.

(c) Pipeline Emergency Plan. At the time of application for a franchise, an applicant shall file, and thereafter annually during the life of the franchise keep on file, with the public works department a pipeline emergency plan as may be required by 49 C.F.R. section 195.402, 49 C.F.R. section 192.615, the California Pipeline Safety Act of 1981 (Government Code sections 51010 et seq.), and all other applicable laws. Each grantee shall update its pipeline emergency plan whenever it acquires, constructs, lays, removes or abandons any facilities under a franchise, and shall file the plan with the public works department within thirty days after any update. In lieu of filing a pipeline emergency plan with the public works department, a grantee that uses its facilities to transport only potable water may file a certification annually declaring that it has prepared and filed the required pipeline emergency plan with the public utilities commission.

(d) Emergency Equipment. At all times during the term of its franchise, a grantee shall locate and maintain, or arrange for the location and maintenance of, adequate emergency equipment and a trained emergency crew as required by 49 C.F.R. section 195.402, 49 C.F.R. section 192.615, the California Pipeline Safety Act of 1981 (Government Code sections 51010 et seq.), and all other applicable laws for the purpose of shutting off the pressure and flow of the contents of the franchise property in the event of an emergency. The emergency equipment and crew must be available to respond on a twenty-four-hour-a-day basis. At all times during the term of its franchise, a grantee shall provide up-to-date twenty-four-hour-a-day emergency contact information to the public works department and all applicable fire protection districts.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.412 Damage to property.

(a) Indemnity. To the extent permitted by law, the grantee of a pipeline franchise shall indemnify the county for any costs, including attorney's fees, associated with the investigation and/or defense of any third party property damage claims brought as a result of the construction, operation, or maintenance of its facilities.

(b) Damage, Breaks, Leaks and Defective Facilities. Any damage to any property within the county caused directly or indirectly by any breaks, leaks or defective facilities within the unincorporated portion of the county or on property owned by the county shall be promptly repaired by the grantee of the franchise at the grantee's sole cost and expense. The grantee shall restore the property to the same condition it was in before the damage or leak and shall conduct all necessary remedial work, all to the satisfaction of the road commissioner. The grantee shall obtain and pay for any necessary permits from the county for the performance of all work and shall reimburse the county for all expenses and remediation costs that may be incurred by the county. Nothing in this section shall be construed as waiving a grantee's rights to seek recovery from a third party for the grantee's payment of the county's expenses and remediation costs.

(c) Performance of Repair Work by the County. If a grantee fails to fully perform or fulfill its obligations under Section 1004-2.412(b) within a reasonable time, as determined by the road commissioner, then the county will have the right, but not the duty, and without limitation upon any other rights of the county pursuant to the franchise, to perform the same. The grantee shall indemnify and reimburse the county for all costs and all liabilities arising from the county's performance, as provided in this chapter.

(d) Emergency Response. If any emergency response costs are incurred by the county in connection with any damage referenced in this section, the grantee shall reimburse the county for costs, as well as any attorneys' fees associated therewith, within thirty days after being presented with a bill. Upon request of a grantee, county will provide an itemized accounting of county's costs.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.414 Acceptance and bond.

(a) Acceptance. Within thirty days after being granted a franchise, a grantee shall file with the road commissioner a written acceptance of the terms and conditions of the franchise, together with a bond (or cash or letter of credit), pursuant to subsection (b) of this section. The date of this filing is the effective date of the franchise.

(b) Bond.

(1) A grantee shall file with the road commissioner at the time it files acceptance of a franchise granted under this chapter, and shall maintain and keep on file with the road commissioner, a surety bond in favor of the county, issued by a surety company authorized to transact a surety business in the state of California, approved by the road commissioner, and in the form of surety bond approved by the board of supervisors. The bond must be in the sum of one hundred percent of the amount of the first full annual fee paid to the county by the grantee, rounded up to the nearest thousand dollars for the initial granting of the franchise, and increased each ten years based upon the revised franchise fee amount pursuant to Section 1004-2.602, provided that the minimum amount of any bond twenty-five thousand dollars. The amount of the surety bond posted by a grantee that uses its facilities to transport only potable water shall be twenty-five thousand dollars. Each bond must be on the condition that the grantee well and truly observe, fulfill, and perform each term and condition of the franchise, and that in case of a breach of any condition of the bond, the penal sum therein shall be recoverable. Each bond must be on the condition that if the principal or sureties fail to pay that amount upon demand from the county, they shall be liable, in addition to the penal sum of the bond, for all additional expenses, including reasonable attorneys' fees and any interest accrued on amounts due, incurred by the county in obtaining payment under the bond.

(2) A grantee shall maintain the bond in full force and effect throughout the term of a franchise at the grantee's sole expense. The bond shall be issued by a surety insurer and comply with the requirements of the Bond and Undertaking Law, codified in Code of Civil Procedure Sections 995.010 et seq. A franchise shall be considered a "license or permit" within the meaning of the Bond and Undertaking Law, solely for purposes of applying the Bond and Undertaking Law to the bonding requirements of this section.

(3) If a bond is not filed at the time a grantee files acceptance of the franchise, the award of the franchise may be set aside and the resolution granting the franchise repealed at any time prior to the filing of the bond, and any money paid in consideration for the grant of franchise shall be forfeited. If the road commissioner determines that a bond on file has become insufficient, the grantee shall renew the bond, with sureties as approved by the public works department, within ten days after receiving written notice from the road commissioner.

(4) As an alternative to filing a surety bond, the county may, but is not obligated to, permit a grantee to deposit cash, in the same amount as required on the bond. The county will hold the cash deposit in a non-interest bearing account. If the county draws upon the cash fund for compensation for any loss or damage relating to the franchise, the grantee shall replenish the cash fund to the original amount within thirty days after receiving written notice from the county.

(5) Grantee may, at its sole election, provide an irrevocable standby letter of credit, in a form acceptable to the county, securing all or a portion of the amount otherwise required to be secured by the performance bond. The letter of credit shall be issued by an issuing bank with offices in California, or shall authorize an advising bank with offices in California to pay the beneficiary thereunder. The county shall have the right to validate the creditworthiness of the bank being used for a letter of credit. The

letter of credit shall authorize county to draw upon its proceeds in the event that grantee fails to well and truly observe, fulfill and perform each term and condition of the franchise, and that in case of any breach of the franchise, county may draw against the letter of credit up to the total amount set forth therein. If grantee determines to file a letter of credit, grantee shall file such letter of credit within ten days after the adoption of the resolution granting the franchise.

(6) Nothing in this chapter waives a grantee from liability that exceeds the amount of the bond or cash deposited. Nothing in this chapter shall be construed as a waiver by the county of any legal remedy against the grantee for any breach of the terms and conditions of the franchise, or for any damage, loss or injury suffered by the county relating to the grantee's exercise of the franchise.

(7) Upon termination of a franchise, the surety bond will be released or the deposit returned to the grantee, less the amount sufficient to compensate the county for any losses arising out of the grantee's exercise of the franchise.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.416 Insurance requirements.

(a) Insurance. Before beginning any franchise operations, a grantee shall obtain, and provide satisfactory evidence of having obtained, policies of liability and workers' compensation insurance and pollution liability insurance from companies that are authorized to transact business in the state of California by the Insurance Commissioner of California and have a minimum rating of or equivalent to A-:VIII in Best's Key Rating Guide, Comprehensive Liability Insurance, provided, however, that a grantee that uses its facilities to transport only potable water is not required to provide evidence of pollution liability insurance.

(b) Liability Coverage. Each liability insurance policy obtained by a grantee must:

(1) Be issued to the grantee and name the county and the county's officers, agents, and employees, as additional insureds;

(2) Provide coverage for the grantee's liabilities assumed under this ordinance, including without limitation, the grantee's obligation to indemnify the county and the county's officers, agents, and employees for all liability for personal and bodily injury, death and damage to property arising from activities conducted pursuant to the franchise, and the acts or omissions of the grantee, and its agents, servants and employees, committed in the conduct of franchise operations. The coverage must provide a combined single limit liability insurance in the amount of ten thousand dollars, subject to self-insured retention in an amount and form that is appropriate and prudent for operations substantially similar to those of grantee, and subject to approval by county in its sole discretion, and may not be cancelled unless at least thirty days' prior written notice is provided to the road commissioner by grantee or its insurance provider, provided, however, that the amount of liability coverage required of a grantee that uses its facilities to transport only potable water shall be five million dollars.

(c) Workers' Compensation. Each workers' compensation insurance policy obtained by the grantee must:

(1) Cover all of the grantee's employees who in the course and scope of their employment conduct or perform work pursuant to the franchise operations;

(2) Provide for every benefit and payment presently or after conferred by Division 4 of the California Labor Code upon an injured employee, including vocational rehabilitation and death benefits;

(3) Provide for every benefit and payment under any option of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. sections 901 et seq.); and

(4) Be noncancellable without forty-five days' prior written notice to the road commissioner.

(5) In lieu of the policy of workers' compensation insurance required by this section, a grantee may substitute and provide a certificate of consent to self-insure, issued by the Board of Industrial Relations of the state of California.

(d) Pollution Coverage. Each pollution liability insurance policy obtained by the grantee must:

(1) Provide limits of coverage of five million dollars per occurrence and ten million dollars aggregate, or other equivalent insurance as determined acceptable by the county; and

(2) Be issued to the grantee and name the county, the county's officers, agents, and employees, as additional insureds by endorsement form acceptable to the county.

(e) Evidence of Coverage. Before beginning any franchise operations, and for five years after the termination or expiration of a franchise, a grantee shall file with the road commissioner either certified copies of the required liability, workers' compensation, and pollution liability policies, or a certificate of insurance for each of the required policies executed by the company issuing the policy, certifying that the policy is in force, with any necessary endorsements, including without limitation, cancellation notification endorsements. The grantee shall provide the road commissioner with renewal certificates throughout the term of the franchise. The grantee shall provide all of the following information with respect to the policy:

(1) The policy number;

(2) The date upon which the policy will become effective and the date upon which it will expire;

(3) The names of the named insured and any additional insureds;

(4) The additional insured endorsement form(s);

(5) The self-insured retention endorsement (if applicable);

(6) The subject of the insurance;

(7) The type of coverage provided by the insurance;

(8) The amount of limit of coverage provided by the insurance; and

(9) Copies of all endorsements that form a part of the policy and are applicable to the grantee's operations under this ordinance.

(f) Compliance. No franchise operation may commence until the grantee has complied with the provisions of this section. All franchise operations must be suspended during any period that the grantee fails to maintain these policies in full force and effect. In no event shall the county's self-insurance program be used to respond to or cover any grantee liability.

(g) Self Insurance Program. In lieu of any insurance required by this Section 1004-2.416, county may, upon application by a grantee, permit a grantee to substitute a self administered claims program (self-insurance) covering the risks assumed under a franchise. A grantee permitted to substitute a program of self-insurance shall provide county with a letter evidencing and describing the self administered claims program, duly executed by an authorized officer of the grantee, and shall notify county in writing thirty days prior to the termination of the self administered claims program.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.418 Indemnity; liability.

(a) Indemnity. To the fullest extent permitted by law, a grantee shall indemnify, defend and hold harmless the county, and the county's boards, commissions, officers, agents and employees, contractors, agents, attorneys and representatives from and against any and all:

(1) Claims, losses, damages (including injury or death), liabilities, suits, costs, and expenses, including reasonable attorneys' fees, in any way connected to or arising from any operations under the franchise granted or the existence, reconstruction, design, construction, use, operation, or maintenance of the grantee's franchise property;

(2) Environmental damage claims;

(3) Claims arising from any damage or injury suffered by any person by reason of any excavation or obstruction being improperly guarded or secured during any work authorized pursuant to the franchise or the failure or neglect of the grantee to properly perform, maintain, or protect any phase of the work;

(4) Claims, actions, or proceedings against the county or the county's agents, officers, or employees to attack, set aside, void, or annul any approval of a pipeline franchise or other discretionary actions in furtherance of the goals of this chapter, or to impose personal liability against the county's agents, officers, or employees, on the ground that the county failed to comply with California Environmental Quality Act (Public Resources Code §§ 21000, et seq.);

(5) Any claims arising from the acts or omissions of subcontractors of the grantee without regard to the subcontractor's insurance or lack thereof; and

(6) All other claims, losses, liabilities, causes of action, demands, damages, suits, judgments, debts, costs, claims for payment, contribution or indemnity and expenses (including but not limited to attorney's fees and costs) and liens of every kind and nature, resulting from or attributable to (A) grantee's use or occupation of any facility, or (B) any failure to comply with any applicable law or governmental regulation, directive or order; or (C) arising from the release of any contaminant on or from any facility, whether the release is caused by grantee or any third party; or (D) grantee's failure to fully remediate or respond to any environmental condition on, under or emanating from any facility in accordance with applicable law or as directed by the county; or (e) the performance of any remedial work, including all remediation costs.

Notwithstanding the foregoing, the county is not entitled to indemnity under this Section 1004-2.418(a) to the extent any losses, claims, damages, or liabilities are determined by a court of competent jurisdiction by final and nonappealable judgment to have resulted from the gross negligence or willful misconduct of the county. Nothing in this section shall be construed as waiving a grantee's right to seek recovery from a third party other than the county or an agency of the county for indemnified claims.

(b) Liability. A grantee shall be fully and strictly liable to the county for any damage or injury incurred by the county in connection with the use of the franchise property. Any damage to any public street, road, or other public improvement in a county highway that is directly or indirectly caused by a grantee's acts or omissions shall be promptly repaired by the grantee, at its sole cost and expense, to the complete satisfaction of the county. If a grantee fails to comply with any repairs ordered by the county within the time specified, then the road commissioner may undertake and complete all repairs at the grantee's sole cost and expense. Nothing in this section shall be construed as waiving a grantee's right to seek recovery from a third party other than the county or an agency of the county for these liabilities.

(c) Counsel. The county and the other parties entitled to be indemnified by a grantee hereunder shall have the right to select attorneys of its own choice to represent it at the grantee's expense.

(d) Documents. In satisfying the obligations under this section, a grantee shall provide the county with copies of all communications, filings, writings, photographs and materials given to or received from any person, entity or agency (to the extent not protected by attorney-client privilege), in connection with any claim, order, request or demand described in this section, or of any cleanup or remedial work conducted on any facility, on or in the vicinity of any facility, and shall notify the county of and permit a county representative to

attend any meetings or oral communications relating to any claim, order, request or demand, or of any cleanup or remedial work.

(e) County Costs. Without limiting the generality of any of the foregoing, a grantee's indemnification obligations include all costs incurred by the county, including all remediation costs and all other costs for any investigation and remedial work required by applicable law or otherwise necessary to responding to any claims, as well as all attorney's fees and consultant fees incurred by the county in responding to any claims and the county's consequential damages. If the county seeks to enforce its rights to be indemnified by a grantee as provided in this ordinance, the grantee shall pay for all costs and expenses, including without limitation attorneys' fees, incurred by the county in enforcing, protecting, maintaining, and preserving its rights to be indemnified under this ordinance.

(f) Performance of Remedial Work. Without waiving any rights, at its option, the county may, upon failure of the grantee to promptly perform all necessary remedial work, commence the work itself and require the grantee to pay, pursuant to the foregoing indemnity, all remediation costs and other costs incurred by the county.

(g) No County Obligation. The grant of rights to the county in subsection (f) of this section: (1) is not intended to and shall not be construed to impose any obligation on the county to exercise the rights granted to a grantee or otherwise investigate, monitor or clean up any environmental condition at any facility; and (2) does not authorize the county to operate grantee's facilities.

(h) Reimbursement. If any emergency response costs are incurred by the county in connection with any damages caused in whole or in part by a grantee or its franchise property, the grantee shall reimburse those costs within thirty days after being invoiced.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.420 Release of contaminants.

If any release or any uncontrolled loss of a contaminant, or the discovery of an unremediated environmental condition, occurs on, under or from any franchise property, the grantee shall immediately conduct remedial work, at its sole expense, as is necessary to fully mitigate, remediate, and monitor the contamination in accordance with all applicable laws, and as directed by the county. Nothing in this section waives the grantee's rights to seek recovery from a third party for remedial work. At the county's request, and at no cost to the county, the grantee shall provide all information and documents concerning the release of contaminants or the unremediated environmental condition occurring on, under or from the franchise property, including documents and information relating to remediation of the contamination. If a grantee fails to perform any of its obligations under this section, then the county may perform the remediation and the grantee shall indemnify and reimburse the county for all remediation and related costs incurred by the county.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.422 Transferability of franchise.

(a) Transfer.

(i) Documentation. A grantee may not sell, transfer, assign or lease a franchise or any part of a franchise, except with the consent of the board of supervisors, which the board shall not arbitrarily withhold. No sale, transfer, assignment or lease of a franchise may be made unless the grantee files with the board of supervisors no later than sixty days after execution of an agreement for any sale, transfer, assignment, or lease of the franchise, or any part thereof, or any of the rights or privileges granted under a franchise: (1) a certified copy of the executed instrument of the sale, transfer, assignment or lease of the franchise; and (2) a written request, by all parties to the agreement, for the consent of the

board of supervisors to the sale, transfer, assignment or lease. If the instrument and request are not filed with the board of supervisors within sixty days after the effective date of the sale, transfer, assignment or lease, then the franchise is subject to forfeiture.

(ii) Deposit; Applicability; Pledge of Franchise. At the time a grantee seeking to transfer a franchise files the documents required by subsection (a)(i) of this section, the grantee shall deposit five thousand dollars with the public works department to cover the county's administrative costs, staff time, administrative, legal and consulting fees incurred by the county in connection with processing the application for the transfer of a franchise. If the initial deposit is depleted, the grantee shall, within thirty days after receiving written notice, make an additional deposit with the public works department in an amount specified by the public works department.

(iii) Additional Terms; Security Grant. In granting consent to the sale, transfer, assignment or lease, the board of supervisors may impose additional terms upon the franchise that the board deems to be in the public interest. This section applies to any sale, transfer, assignment, or lease of a franchise, whether by operation of law, by voluntary act of the grantee, or otherwise. Any attempt to sell, transfer, assign, or lease of a franchise without board of supervisors consent is invalid. Notwithstanding the foregoing, the county's approval is not required for the granting of a security interest in any of grantee's assets, or any mortgage or other hypothecation, or by assignment as collateral of any rights, title or interest of grantee in the franchise in order to secure indebtedness.

(iv) Merger or Reorganization. The county's approval is required to sell, transfer, assign or lease any franchise resulting from a consolidation or merger of grantee with or into any other person, entity or corporation, or any other business reorganization, including any transaction or series of related transactions by grantee where more than twenty-five percent of the ownership is transferred, unless the ownership is transferred to any person or entity that was, immediately prior to the transaction or transactions, the direct or indirect owner of, or under common ownership with, the grantee.

(b) Transfer Request. To obtain the county's consent, a grantee shall provide the county with a written request setting forth the specific interests to be transferred, along with other information as the county may request, to the extent the information is not proprietary or otherwise privileged. A transfer application is subject to the approval of the board of supervisors.

(c) Conditions. The county's approval or disapproval of the proposed transfer shall be based on the proposed transferee's legal, financial and technical qualifications, the transferee's acceptance of the terms and conditions of the franchise and agreement to be bound by the terms of the franchise, and on whether grantee is in compliance with the terms of the franchise and this chapter, and the approval shall not be arbitrarily withheld. If the proposed transfer is approved by the board of supervisors, the transferor and the transferee will, within thirty days of the resolution approving the transfer, execute and deliver an assumption and consent agreement, in a form acceptable to the county. As a condition to consenting to the sale, transfer, assignment, lease or agreement, the county may impose any additional terms and conditions upon the franchise and upon the grantee or assignee, which the county may deem to be in the public interest and which will be expressed by resolution.

(d) No Presumption of Approval. Nothing in this ordinance shall be construed to grant to a grantee the right to sell, transfer, assign or lease the franchise, or any part thereof, except in the manner set forth in this section. No transfer shall be effective unless and until the transfer is approved by the board of supervisors, as provided in this section.

(e) Existing Franchise Requirements. Any purchaser, transferee, assignee, or lessee of a franchise shall comply with all bond and insurance requirements of the existing franchise within thirty days after the assignment or transfer. The bond or letter of credit must be reissued in the name of transferee or assignee. After the bond or letter of credit is reissued, the original grantee's bond or letter of credit will be released, less the amount

sufficient to compensate the county for any unpaid administrative costs and losses arising out of the grantee's exercise of the franchise.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.424 Forfeiture.

A franchise may be forfeited if the grantee fails to comply with any of the terms or conditions of the franchise for more than fifteen days after receiving written notice to comply from the county. If the board of supervisors determines that the franchise is forfeited, the grantee shall immediately surrender all rights under this chapter.

(Ord. No. 2013-19, § II, 8-13-13)

Article 1004-2.6. Compensation

1004-2.602 Annual payment.

During the term of a franchise, the grantee shall pay an annual franchise fee as established by resolution of the county. The annual franchise fee shall be paid each year during the term within ninety days after the end of each calendar year during the life of the franchise. Franchise fees under this section constitute payment for the privilege of using county property, and are not in derogation of any other lawful fee or exaction. The franchise and administrative fees charged and collected under authority of this chapter do not include any other permitting or other fees the county may charge. The county reserves the right to change its franchise fees upon the renewal of a franchise at ten-year intervals following the effective date of the resolution granting the franchise, if such action is not in conflict with the law of the state of California. The following limitations apply to the annual franchise fees:

(a) Public Utility Not Transmitting Oil or Oil Products. If a grantee is a public utility and is not transmitting oil or oil products, the grantee shall pay to the county two percent of the grantee's gross annual receipts that arise from the use, operation or possession of the franchise. This payment shall in no event be less than one percent of the grantee's gross annual receipts derived from sales within the unincorporated portion of the county, in accordance with California Public Utilities Code Section 6231.

(b) Public Utility Transmitting Oil or Oil Products. If a grantee is determined by the public utilities commission to be a public utility transmitting oil or oil products, the grantee will be charged an annual fee, based on the internal diameter of the pipeline, in an amount calculated pursuant to California Public Utilities Code Section 6231.5.

(c) Non-Public Utility Franchises Transmitting Industrial Gas, Oil or Oil Products. If a grantee is a non-public utility operating a pipeline system transmitting industrial gas, oil or oil products, the county will establish on an individual basis in the resolution granting the franchise the annual franchise payment for the pipeline franchise, including the extension, renewal, or continuation of a previously granted franchise. The annual franchise payment will be: (1) an amount equal to a specified percentage agreed to by the applicant and the county of the gross annual receipts of the applicant arising from the use, operation, or possession of the franchise; or (2) an amount agreed to by the applicant and the county; or (3) an amount computed by multiplying the sum of one-half of the nominal internal diameter of the pipe, expressed in inches, by the number of lineal feet of the pipe within the public streets, ways, alleys, or other public places within the unincorporated portion of the county, or on property owned by the county.

(d) Other Pipeline Franchises. If a grantee is awarded a pipeline franchise for any pipeline other than those specified in subsections (a), (b), or (c) of this section, or for the extension, renewal, or continuation of a previously granted franchise, the grantee shall pay to the county two percent of the grantee's gross

annual receipts that arise from the use, operation or possession of the franchise. This payment shall in no event be less than one percent of the grantee's gross annual receipts derived from sales within the unincorporated portion of the county, in accordance with California Public Utilities Code Section 6231.

(e) Extension and Renewal. If a grantee with a previously granted franchise to build and operate a pipeline system transmitting oil or gas or their products seeks to renew or extend a franchise that was in effect on September 1, 1989, the grantee will be charged the fee computed pursuant to California Public Utilities Code Section 6231.5(c).

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.604 Late payments.

If any portion of the annual franchise fee is not paid on or before April 15 of the year it is due, a late fee equal to fifteen percent of the amount of the unpaid franchise fee will attach to the unpaid portion of the franchise fee on April 16. If any annual franchise fee is not paid on or before the last day of May of the year in which the franchise fee is due, an additional late fee equal to fifty percent of the amount of the unpaid franchise fee will attach to the unpaid portion of the franchise fee on June 1.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.606 Annual payment statement; audit.

If a franchise fee is based on a grantee's annual receipts, the following requirement also applies: upon its payment of the annual franchise fee on March 31 of each calendar year, the grantee shall also file with the public works department a verified statement under penalty of perjury showing in detail the basis for the calculation of the franchise payment of franchise fees. The statement shall be in a form established by the public works department and contain the information requested by the public works department. Upon request, the county may examine at grantee's offices the books, accounts, and records necessary to verify the data set forth in the annual statement described in this section. Costs relating to this examination may be deducted from the administrative fee established in Section 1004-2.608.

(Ord. No. 2013-19, § II, 8-13-13)

Article 1004-2.8. Relocation, Removal and Abandonment

1004-2.802 Relocation and costs.

(a) Street Modifications. The county reserves the right to change the grade, to change the width or to alter or change the location of any street over which a franchise is granted. If any of the pipelines, facilities or appurtenances constructed, installed or maintained by a grantee pursuant to a franchise on, along, under, over, in, upon or across any street are located in a manner that prevents or interferes with the change of grade, traffic needs, operation, maintenance, improvements, repair, construction, reconstruction, widening, alteration or relocation of the street, the grantee shall relocate permanently or temporarily any franchise property at no expense to the county upon receipt of a written request from the road commissioner to do so, and shall promptly apply for any required permits and commence the work on or before the day specified in the written request which date shall be not less than sixty days after receipt of the written request. A request to disconnect, remove, or relocate franchise property will: (1) specify the reasons for the required relocation, removal, or disconnection; (2) specify the nature of the work and the areas in which it will be done; (3) direct the grantee to take all steps necessary to protect its franchise property during the work; (4) specify the date on which the required relocation, removal or disconnection shall be completed, which date

will be at least thirty days after the mailing of the notice; and (5) specify the amount of the county's costs attributable to the grantee's franchise property and the date by which the grantee must pay this amount to the county. The grantee shall reimburse the county for costs under this section within forty-five days of receipt of this notice. The grantee shall thereafter diligently prosecute the work to completion. Nothing in this section is intended to restrict any right that the grantee may have, if any, to recover any relocation costs from the California Department of Transportation for state freeway or highway construction, or for the California Department of Transportation to pay the costs itself. Nothing in this section shall restrict any right that the grantee may have to recover any relocation costs under applicable law from a third party other than the county or an agency of the county.

(b) Public Entity Facilities.

(i) Public Entity Improvements. The county reserves the right for itself, and for all other public entities that are now or may later be established, to lay, construct, repair, alter, relocate and maintain subsurface or other improvements of any type or description in a governmental but not proprietary capacity within the streets over which the franchise is granted. If the county or any other public entity finds that the location or relocation of county improvements conflicts with the facilities laid, constructed or maintained under a franchise, whether the facilities were laid before or after the improvements of the county or other public entity were laid, the grantee of the franchise shall, at no expense to the county or public entity, on or before the date specified in a written request from the road commissioner, which date shall be not less than sixty days after the receipt of a notice and request to do so, commence work to change the location either permanently or temporarily of all facilities that conflict with the improvements to a permanent or temporary location in the streets to be approved by the road commissioner and thereafter diligently prosecute the work to completion.

(ii) State Highway. If a street over which a franchise is granted is subsequently designated a state highway, while it remains a state highway, the rights of the state of California shall be as provided in Section 680 of the Streets and Highways Code of the State of California. Nothing in this section shall restrict any right that the grantee may have, if any, to recover any relocation costs under applicable law from a third party other than the county or an agency of the county.

(c) Relocation. A grantee shall remove or relocate, without expense to the county and within the time the county reasonably specifies, any facilities installed, used and maintained under the franchise, if and when made necessary by any lawful change of grade, alignment or width of any public place in the unincorporated county or on property owned by the county, including the construction of any subway or viaduct by the county. As examples only and not by way of limitation, a change by the county to public works such as sewers, water lines and storm drains, and public facilities below grade, in trenches, conduits or otherwise, shall give rise to the grantee's obligation to remove or relocate its facilities. The county may, in the discretion of the road commissioner and at the grantee's sole cost, provide assistance as the road commissioner deems appropriate in locating and securing the rights to alternate locations to which to relocate the pipeline when relocation is required under this section. Nothing in this section shall obligate the county to provide any assistance.

(d) Conflicting Improvements. If the county or any other public entity constructs or maintains any storm drain, sewer structure, or other facility or improvement under or across any facility of the grantee maintained pursuant to this ordinance, the grantee shall provide at no expense to the county or other public entity all support as shall be reasonably required to support, maintain and protect the grantee's facility.

(e) Public Entity Relocation. If a grantee after reasonable notice fails or refuses to relocate permanently or temporarily its facilities located in, on, upon, along, under, over, across or above any highway or to pave, surface, grade, repave, resurface or regrade as required, pursuant to any provision of the franchise, the county or other public entity may cause the work to be done and shall keep an itemized account of the entire cost. The grantee shall hold harmless the county, and the county's officers, agents, and employees from any

liability which may arise or be claimed to arise from the moving, cutting, or alteration of any of the grantee's facilities, or the turning on or off of water, oil, or other liquid, gas, or electricity.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.804 Removal or abandonment.

(a) Application to Abandon. Within sixty days after a franchise expires, is revoked or is terminated, or the use of all or a portion of the franchise property has been permanently discontinued, the grantee shall submit a written application to the road commissioner for a permit to: (1) abandon all or a portion of the franchise property in place; or (2) remove all or a portion of the franchise property. The application must describe the franchise property to be abandoned or removed and its location, and must describe with reasonable accuracy the physical condition of the franchise property. The road commissioner will establish conditions for the proposed abandonment or removal and issue a permit. Within ninety days after obtaining a permit, the grantee shall commence and complete the work authorized by the permit.

(b) Determination. The road commissioner, in the road commissioner's~~his or her~~ sole discretion, shall determine whether the abandonment in place or removal that is proposed may be effected without detriment to the public interest and under what conditions a proposed abandonment or removal may be safely effected. The road commissioner shall then notify the grantee of the determination. The grantee shall pay to the county the cost of all tests required to determine whether the franchise facilities will be abandoned in place or removed.

(c) Permit Application. Within forty-five days after receipt of notice, the grantee shall apply for a permit from the public works department to abandon in place or remove all or a portion of the facilities and shall pay all fees and costs related to the abandonment. The permit shall contain conditions of abandonment or removal as may be prescribed by the road commissioner. The grantee shall comply with all permit conditions to the satisfaction of the road commissioner before the facilities shall be considered abandoned or removed. Until so abandoned or removed, fees applicable to the franchise and the removal or abandonment shall continue to accrue. Any abandonment in place shall be conditioned, in part, upon grantee's compliance with the provisions of subparagraphs (a) and (b) of this section.

(d) Work. The grantee shall, within ninety days after obtaining an abandonment or removal permit, commence and diligently prosecute to completion the work authorized by the permit.

(e) County Removal. If a grantee does not comply with all terms and conditions of abandonment in place or removal, then the county may remove, or cause to be removed, the facilities at the grantee's expense. The grantee shall pay to the county the cost of work plus the current rate of overhead being charged by the county for reimbursable work.

(f) Abandonment or Removal. If a grantee fails to apply for a permit to remove or abandon franchise property within thirty days after the expiration, revocation or termination of a franchise, or within thirty days after the permanent discontinuance of the use of all or a portion of franchise property, the road commissioner will determine whether the facilities will be abandoned in place or removed and will notify the grantee of this determination.

(g) Abandonment Fee. If a grantee applies for authority to abandon all or a portion of its facilities in place, and the board of supervisors authorizes abandonment in place of all or part of the facilities, the grantee, other than a grantee that uses its facilities to transport only potable water, shall pay to the county a fee established by resolution of the county. If the grantee has paid the abandonment fee and the county later requires removal of the abandoned facilities, the amount of any fee paid for abandonment shall be credited against grantee's cost of removal.

(h) Cost Reimbursement. The grantee shall reimburse the county for all reasonable costs, staff time, administrative, legal, and consulting fees incurred by the county in preparing any reports, statements, studies, and other environmental review pursuant to CEQA for the abandonment or removal of any pipeline(s) and/or facilities.

(i) Additional Orders. If any facilities to be abandoned in place are not abandoned in accordance with all prescribed conditions, the road commissioner may make additional appropriate orders, including an order that the grantee remove any or all of the facilities. The grantee shall comply with all additional orders.

(j) Failure to Make Application. If, within sixty days after the expiration, revocation or termination of a franchise, or of the permanent discontinuance of the use of all or a portion of a grantee's facilities, the grantee fails or refuses to apply to abandon or remove the facilities, the road commissioner shall make the determination as to whether the facilities shall be abandoned in place or removed. The road commissioner shall then notify the grantee of the determination. The grantee shall thereafter comply with the provisions of Section 1004-2.802(c).

(k) Continuing Removal Obligation. Any franchise property that is abandoned in place is subject to the condition that if, at any time after the effective date of an abandonment, the public works department determines that any portion of the abandoned property may interfere with any public project or create a hazardous environmental condition, the grantee or its successor in interest must immediately remove that portion of the property at the sole expense of the grantee or its successor in interest when directed to do so by the public works department, or pay the county for the full cost of the removal.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.806 Hazardous materials.

Prior to the issuance of any encroachment permit for the construction or installation of any pipelines for the transmission of flammable liquids or gases, approval shall be obtained from the road commissioner and, as applicable, from each fire protection district or the state fire marshal, as the case may be, in which any pipelines will be located. All approvals should be based on the determination that no undue fire hazard will be created to life or property in the areas through which the proposed pipeline will be located. To make the determination, consideration shall be given to:

(a) Type of commodity to be transmitted;

(b) Density of population or structural development in the area through which the pipeline will be located;

(c) Adequacy of water supplies for fire control purposes;

(d) Extent of available public fire protection facilities; and

(e) Number and location of shut-off valves in line.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.808 Acquisition of a grantee's property.

(a) Eminent Domain. Any franchise granted hereunder in no way impairs or affects the right of the county to acquire the property of grantee by purchase or condemnation, and nothing in this ordinance shall be constructed to contract away, modify or abridge, either for a term or in perpetuity, the county right of eminent domain in respect to any public utility.

(b) Valuation of Franchise. In accordance with Public Utilities Code Section 6263, no franchise granted under this ordinance shall ever be given any value before any court or other public authority in any proceeding of any

character in excess of the cost to grantee of the necessary publication under this chapter at the time of grant of the franchise.

(Ord. No. 2013-19, § II, 8-13-13)

1004-2.810 Notices.

All notices, demands or statements required by a franchise or this chapter to a grantee shall be in writing and delivered by hand or certified mail or by overnight delivery addressed to the person the grantee has designated pursuant to Corporations Code Section 17060(a)(2). All notices required by a franchise or this chapter to the county shall be in writing and delivered by hand or certified mail addressed to the county clerk of the board of supervisors and the road commissioner. All notices shall be deemed given on the date of delivery by hand or, or three days after deposit in the mail, postage prepaid or to overnight delivery carrier.

(Ord. No. 2013-19, § II, 8-13-13)

Division 1006 ROAD DEDICATIONS AND SETBACKS*

* For building permit provisions, see Chapter 74-6, this code.

Chapter 1006-2 ROAD DEDICATION AND IMPROVEMENT

Sections:

Article 1006-2.2. Intent and Objectives

1006-2.202 Findings—General.

In enacting this chapter the board of supervisors finds that the county has experienced explosive increases in population and motor vehicle operation, and extensive changes from the former predominantly agricultural uses to land development for high-activity purposes other than agricultural with attendant building construction, which factors directly result in rapidly rendering the present internal road system inadequate in width and development to provide minimum acceptable service capacity to the lands being developed, which inadequacy is growing at an increasing rate. The indirect result of these factors of change and growth is to increasingly tend to deny to the public the use of roads of minimum standards for safe and convenient vehicular and pedestrian access and travel between many points inside and outside the county.

(Ord. 71-20 § 1 (part), 1971).

1006-2.204 Findings—Cost.

This board further finds that the total cost of correcting county road system deficiencies substantially exceeds the total funds available to the county for this purpose, and that unless measures are taken to provide for the orderly and systematic increase in width, capacity and improvement of the county roads when and as the development of land as aforesaid takes place, the citizens of this county will early suffer a condition of blight with pernicious effect upon the economic welfare, public convenience and general prosperity of the county.

(Ord. 71-20 § 1 (part), 1971).

1006-2.206 Intention.

Therefore, the provisions of this chapter are intended to define the requirements and procedures for the dedication of right-of-way and the improvement of those roads shown on the county major roads plan, a portion of the circulation element of the general plan of Contra Costa County, (approved by the board and in the public works department) in connection with the issuance of building permits or land use permits in certain land use districts in order to accomplish the objectives set forth in Section 1006-2.208.

(Ord. 71-20 § 1 (part), 1971).

1006-2.208 Objectives.

The objects of these provisions are:

(1) To insure conformity to the Subdivision Map Act and to Title 9, and to extend the application of the basic requirements thereof to land development in which no subdivision is involved;

(2) To spread the costs of required public improvements upon the abutting properties as contemplated by law;

(3) To cause the installation of those improvements necessary to properly serve the property developed, at the time of its development, so that the benefited property may enjoy the use of such improvements throughout the normal life thereof, and so that such improvements are not indefinitely deferred to the detriment of the public interest, safety and welfare;

(4) To protect the public's vested interest in the pre-existing capacity of this county's streets and highways, and to provide a policy for public participation in the widening and improvement of streets and highways when necessitated by development of abutting property;

(5) To prevent the dissipation or improper use of the county's general operating and maintenance funds in providing these improvements or in maintaining faulty or substandard installations; and

(6) To protect the public health, safety, living standards and common welfare of the general public.

(Ord. 71-20 § 1 (part), 1971).

Article 1006-2.4. Requirements and Exceptions

1006-2.402 Requirements generally.

No building or structure shall be erected or enlarged, and no building permit shall be issued therefor, on any lot in any district set forth in Section 1006-2.404 or on any lot where a variance or land use permit is conditioned on compliance with this chapter, if such lot abuts a principal thoroughfare or arterial as shown on "The County Major Roads Plan," unless the one-half of the planned road which is located on the same side of the road's center (as shown on the plan) as such lot has been dedicated and improved for the full frontage width of the lot, or such dedication and improvement has been assured.

(Ord. 71-20 § 1 (part), 1971).

1006-2.404 Applicable zoning districts.

This chapter shall be applicable to the following zoning districts:

F-R, F-1, M-1, M-2, M-3, M-4, T-1, P-1, N-B, planned N-B, R-B, special R-B, G-1, C, O-1, A-O, C-M, W-3, L-1 and H-1.

(Ord. 72-44 § 2, 1972: Ord. 71-20 § 1 (part), 1971).

1006-2.406 Maximum dedication.

(a) The maximum area of land required to be dedicated in accordance with this chapter shall not exceed twenty-five percent of the area of any such lot which was of record in the county recorder's office, as of April 1, 1971.

(b) Unless a variance is granted, no dedication shall be required by this chapter which reduces the lot below:

(1) The minimum for the zoning district involved or for Section 82-10.004; or

(2) A width of fifty feet; or

(3) An area of five thousand square feet.

(c) No dedication shall be required of any land under a building (as defined in Section 82-4.210) which existed on April 1, 1971.

(Ord. 71-20 § 1 (part), 1971).

1006-2.408 Existing improvements in right-of-way.

No additional improvements shall be required on a lot where complete roadway, curb, gutter and sidewalk improvements exist within the present road right-of-way contiguous thereto; but additional right-of-way may be required to be dedicated to conform to future road widths.

(Ord. 71-20 § 1 (part), 1971).

1006-2.410 No building in dedicated area.

After March 31, 1971, no person shall erect any building or structure within the area(s) required to be dedicated by this chapter.

(Ord. 71-20 § 1 (part), 1971).

1006-2.412 Construction—Exceptions.

The provisions of this chapter shall not apply to the following construction:

(1) One single family dwelling (with customary accessory buildings) when erected on a vacant lot;

(2) Additions, and accessory buildings incidental, to a residential building legally existing on a lot, if no additional dwelling units are created; or

(3) Additions, and accessory buildings incidental, to a nonresidential building existing on April 1, 1971, if their total cumulative floor area is not over two hundred square feet.

(Ord. 71-20 § 1 (part), 1971).

Article 1006-2.6. Procedure

1006-2.602 Procedure—Generally.

Any person required to dedicate land by the provisions of this chapter shall deliver an offer to dedicate, properly executed by all parties owning an interest, including beneficiaries and trustees in deeds of trust, as shown by a current title report, furnished by the applicant, and acceptable to the public works department. The offer shall:

(1) Be on a form approved by the county counsel and the public works director;

(2) Be in such terms as to be binding on the owner, ~~his~~ the owner's heirs, assigns or successors in interest; and

(3) Continue until the board of supervisors accepts or reject it. The applicant shall file the offer with the public works department, which (if it finds it to be in order) shall present it to the board. Within twenty days, the board shall accept or reject the offer for recordation. If it is accepted, its clerk shall notify the building inspection department and promptly record the offer with the county recorder.

(Ord. 71-20 § 1 (part), 1971).

1006-2.604 Procedure—Dedication assurance.

Dedication(s) hereunder shall be considered as satisfactorily assured when the board accepts for recordation the offer to dedicate.

(Ord. 71-20 § 1 (part), 1971).

1006-2.606 Procedure—Improvement bond.

Any person required by this chapter to make improvements shall file with the public works director a bond in such an amount as the director determines to be necessary to complete all of the improvements required. Such bond may be either a cash bond, or a bond executed by the lot owner as principal and a company authorized to act as a surety in this state. The bond shall be payable to the county and be conditioned upon the faithful performance of all required work; and it shall provide that if such work is not completed within the time specified, the county may have it completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof.

(Ord. 71-20 § 1 (part), 1971).

1006-2.608 Improvement default.

On any default or failure on the part of the owner (principal) to fully, faithfully and properly do or complete any of the required improvements, the county may have part of all of the work done, and may collect the costs caused thereby from the cash deposit (refunding any remainder) or enforce collection thereof under the surety bond.

(Ord. 71-20 § 1 (part), 1971).

1006-2.610 Procedure—Bond term and completion.

The term of the (cash and/or surety) bond required by this chapter shall begin when the cash is deposited or the surety bond is filed, and shall end when the public works director accepts in writing the required improvements as completed to ~~his~~ the public works director's satisfaction, after which the deposit and/or surety bond shall be refunded and/or exonerated as appropriate.

(Ord. 71-20 § 1 (part), 1971).

1006-2.612 Procedure—Improvement assurance—Notice.

Improvements hereunder shall be considered as satisfactorily assured when the public works director accepts the cash or surety bond hereunder or accepts the required improvements as completed to the public works director's ~~his~~ satisfaction; and ~~he~~ the public works director shall notify the building inspection department when improvements have been assured.

(Ord. 71-20 § 1 (part), 1971).

1006-2.614 Procedure—Building permit issuance.

When all dedication(s) and improvement(s) required by this chapter have been satisfactorily assured, a building permit may be issued.

(Ord. 7 1-20 § 1 (part), 1971).

Article 1006-2.8. Fees

1006-2.802 Fees—None required.

Notwithstanding any other provisions of this code, no fees shall be charged for any service by the county in connection with any dedication or improvement required by this chapter and not a part of a subdivision or conditional use permit proceeding.

(Ord. 71-20 § 1 (part), 1971).

Article 1006-2.10. Road Standards

1006-2.1002 Road standards—Improvements.

For the purposes of this chapter, all principal thoroughfares and arterials shall be constructed, improved, and dedications made therefor in accordance with the following standards (insofar as this is practicable and will not create an undue hardship) and with the county major roads plan, a portion of the circulation element of the general plan of Contra Costa County.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1004 Road standards—Principal thoroughfares—Type A.

Principal thoroughfares, type A, shall be dedicated to a width of one hundred ten feet, with seventy two feet of roadway, twenty feet of sidewalk area and eighteen feet dividing strip. Each one-half of the road shall consist of

nine feet of dividing strip, thirty-six feet of paved roadway, curbs and gutters, and ten feet of sidewalk area with at least four and five-tenths feet thereof paved.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1006 Road standards—Principal thoroughfares—Type B.

Principal thoroughfares, type B, shall be dedicated to a width of one hundred feet, with sixty-four feet of roadway, twenty feet of sidewalk area and sixteen feet of dividing strip. Each one-half of the road shall consist of eight feet of dividing strip, thirty-two feet of paved roadway, curbs and gutters, ten feet of sidewalk area with at least four and five tenths feet thereof paved.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1008 Road standards—General thoroughfares.

General thoroughfares shall be dedicated to a width of eighty-four feet, with sixty-four feet of roadway, and twenty feet of sidewalk area. Each one-half of the road shall consist of thirty-two feet of paved roadway, curbs, and gutters, and ten feet of sidewalk area with at least four and five-tenths feet thereof paved.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1010 Road standards—General arterials.

General arterials shall be dedicated to a width of sixty feet, with forty feet of roadway, and twenty feet of sidewalk area. Each one-half of the road shall consist of twenty feet of paved roadway, curbs, and gutters, and ten feet of sidewalk area with at least four and five-tenths feet thereof paved.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1012 Road standards—Industrial arterials.

Industrial arterials shall be dedicated to a width of sixty-eight feet, with forty-eight feet of roadway, and twenty feet of sidewalk area. Each one-half of the road shall consist of twenty-four feet of paved roadway, curbs, and gutters, and ten feet of sidewalk area with at least four and five-tenths feet thereof paved.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1014 Road standards—Property line returns.

Each intersection involving either a thoroughfare or arterial road shall be dedicated so as to provide a thirty foot curved corner radius at the intersection of such roads, which shall be improved in accordance with the standards for such road set forth in this chapter.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1016 Road standards—Improvement agreement.

The property owner shall make an agreement with the county on the road improvements to be constructed by ~~him~~the property owner, including curb, gutter, sidewalk, and the necessary structural pavement section as thick

as required by Chapter 98-8 and to a maximum width of twenty feet from curb face for each side of the roadway. Necessary longitudinal storm drainage shall be considered as a part of the improvements. Street lighting where reasonably necessary shall be considered as a part of the improvements.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1018 Road standards—Improvement placement and construction.

All improvements required by this chapter shall be placed and constructed in accordance with Section 1002-8.016 and the ordinance specifications adopted by the board. Paved sidewalk installations shall comply also with Sections 96-8.206 — 96-8.408.

(Ord. 71-20 § 1 (part), 1971).

Article 1006-2.12. Deviations and Special Requirements

1006-2.1202 Deviations.

The public works director may approve and allow such variations and deviations from the requirements of this chapter, as the public works director ~~he~~ determines are made necessary by the conditions of the terrain and the existing improvements in the immediate vicinity of the property and lot involved.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1204 Road width review and findings.

The public works director shall review the road widths shown on the county major roads plan at the time of application, to determine their adequacy to serve the traffic generated by the proposed land use, adjacent land uses, and any other changes to the general plan made by the adoption of the county major roads plan; and ~~his~~ the public works director's findings thereon shall become the requirements for dedication of right-of-way and the construction of improvements.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1206 Road access.

The public works director shall control access to roads, as to location, size, type, and number of driveways, so as to safely permit ingress and egress and so as to comply with standards and policy of the public works department and Division 1002.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1208 Notice to building permit applicant.

When the public works director determines that this chapter is applicable to any building permit application, the public works director ~~he~~ shall inform the permit applicant of ~~his~~ the public works director's determination and findings as to the specific requirements of this chapter applicable thereto and of the availability and procedure for appeal of ~~his~~ the public works director's determination to the planning commission.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1210 Acceptance of building permit.

Acceptance of a building permit by an applicant after determination by the public works director that the provisions of this chapter are applicable shall constitute an agreement on behalf of the applicant and owner, their heirs, successors and assigns, to comply with all the terms and conditions imposed by the public works director's findings, this chapter, and all other applicable ordinances and statutes.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1212 County participation.

(a) Costs. Upon proper written application to the board and investigation and recommendation to the board by the public works director, the county may contribute to the costs of making any improvements required by this chapter, if the public works director determines that they are excessive due to topography or other natural causes or will greatly exceed the costs of other property owners in the immediate vicinity who are required to make improvements hereunder.

(b) Plans. The public works department shall provide plans showing line and grade, and shall place one set of construction stakes. If the public works department cannot provide plans or survey stakes in time to coordinate with the applicant's schedule, the applicant will furnish construction plans for review and approval by the public works department before construction starts. The construction plans shall be prepared by a California Licensed Civil Engineer and shall be in accordance with public works department policy and applicable sections of Division 716 and Title 9 of this code.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1214 Director determines road alignment.

Whenever uncertainty exists as to the proper application of this chapter in the matter of street alignment, the public works director shall determine its application in conformity with the spirit and intent of this chapter.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1216 Lots affected by road widening.

On a lot which is affected by road widening required by the provisions of this chapter, all required yards, setbacks, parking area, loading space, and building locations for new buildings or structures or additions to buildings or structures, shall be measured and calculated from the new lot lines being created by the widening; but, for the purpose of establishing the required front yard depth on a frontage where the ultimate curb line has been determined under the provisions of this chapter, the depths of all existing front yards may be measured from such ultimate curb line instead of the front lot line. In applying all other provisions of this code, the area of such lot shall be considered as that which existed immediately before to such required road widening.

(Ord. 71-20 § 1 (part), 1971).

Article 1006-2.14. Appeal

1006-2.1402 Appeal—Applicability.

These provisions on appeals do not apply to appeals from actions or decisions of the building inspection or planning departments not involving this chapter.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1404 Appeal—To commission.

Any person required to dedicate land or make improvements under this chapter may appeal any determination made by the public works director hereunder to the planning commission. This written appeal shall clearly and concisely state the grounds therefor. The planning commission shall render its decision within forty-five calendar days after an appeal is properly filed with it.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1406 Appeal—To board.

(a) The applicant or an affected county official may appeal the commission's decision to the board of supervisors. This written appeal shall clearly and concisely state the grounds therefor, and shall be filed with the commission within ten calendar days after the commission's action which is appealed from.

(b) Within twenty calendar days after filing, the commission shall transmit the appeal, and its reports and recommendation thereon, to the board. The board shall render its decision within ninety calendar days after the commission's transmittal.

(Ord. 71-20 § 1 (part), 1971).

1006-2.1408 Appeal—Modifications.

The commission and the board may make such modifications in the requirements of this chapter or may grant such waivers or modifications of the determinations which are appealed to them, as they determine are required to prevent unreasonable hardship under the facts of each case, but each such modification or waiver shall conform with the general spirit and intent of the requirements of this chapter.

(Ord. 71-20 § 1 (part), 1971).

Chapter 1006-4 SETBACK REQUIREMENTS

Sections:

Article 1006-4.2. Policy

1006-4.202 Policy—Declaration.

This county is developing a master plan of streets and highways (and precise sections thereof) for the purpose of assuring ample transportation facilities for the present and future. The magnitude of this undertaking precludes these plans being completed in their entirety in time to fully guide the rapid development occurring within the county; and the surveys, hearings, map preparation, and requirements of law governing these matters necessitate that detailed plans be developed progressively. To conserve the public interest and to assure economies and public safety and welfare, it is imperative that necessary rights-of-way for streets and highways within the county be protected against encroachment by permanent physical improvements, the existence of which would make unnecessarily difficult or make impractical the retention or creation of thoroughfares, adequate in alignment, dimensions and vision clearance to serve the public needs, safety and welfare. Consequently, to deal

effectively with the practical problem thus presented, it is necessary to establish certain minimum building line setbacks on a county-wide basis.

(Ord. 71-20 § 1 (part), 1971).

Article 1006-4.4. Requirements

1006-4.402 Adopted section of streets and highways plan—Filing required.

Whenever the board adopts a precise section of the streets and highways plan, the public works department shall prepare a map of the highway, sufficient to show the location of the highway on parcels of land to be traversed or otherwise occupied by the highway when constructed, and file the map in the recorder's office and deliver a copy to the building inspector.

(Ord. 71-20 § 1 (part), 1971).

1006-4.404 Effect of plan on building permit issuance.

Before issuing a building permit, the chief building inspector or ~~his~~ the chief building inspector's authorized deputy shall examine the precise plan. If the chief building inspector~~he~~ finds that the building or structure proposed to be erected will lie within the boundaries of the precise section of the streets and highways plan, or within the setback lines of the existing zoning regulations affecting the land as measured from the boundaries of the precise section, the chief building inspector ~~he~~ shall grant the permit only if the cost of the proposed building or structure is five hundred dollars or less, otherwise, the chief building inspector~~he~~ shall refuse the permit and notify the applicant for the permit of the reason for refusal.

(Ord. 71-20 § 1 (part), 1971).

1006-4.406 Chapter administration.

Any person aggrieved by the refusal of a building permit may appeal to the planning commission. Administration of this chapter and of Streets and Highways Code Sec. 741.2 is referred to the planning commission under Section 26-2.408 of this code.

(Ord. 71-20 § 1 (part), 1971).

1006-4.408 Building permit issuance after appeal—Conditions required.

The board of adjustment shall grant the permit only if all the following are true:

(1) There are special circumstances or conditions relating to the property upon which the proposed building, structure, or other improvement is sought to be placed;

(2) Granting the application is necessary for the preservation and enjoyment of substantial property rights; and

(3) Balancing the interests of the public in preserving the integrity of the master plan of streets and highways against the interest of the owner of the land in using ~~his~~ the owner's property, the granting of the permit is required by considerations of justice and equity.

(Ord. 71-20 § 1 (part), 1971).

1006-4.602 Exemptions—Eminent domain, declaratory relief, zoning.

(a) Nothing in this chapter shall be deemed a condition precedent to the acquisition of rights-of-way by purchase or by proceedings in eminent domain.

(b) Nothing in this chapter shall be construed to restrict the right of any person to seek declaratory relief under Code of Civil Procedure Section 1060, or to avail themself ~~himself~~ of any other legal or equitable remedy applicable to the person's ~~his~~ particular case.

(c) No zoning regulations are to be construed as permitting a building line setback or any building within the boundaries of the precise section, except as provided in this chapter.

(Ord. 71-20 § 1 (part), 1971).

1006-4.604 Exemptions—Pre-existing structures.

No building, structure, well, excavation, or subsurface structure existing on December 22, 1957, shall be deemed to be in violation of this chapter.

(Ord. 71-20 § 1 (part), 1971).

Division 1008. UTILITIES

*Chapter 1008-2 UNDERGROUND UTILITY DISTRICTS**

Sections:

1008-2.002 Definitions.

Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them as follows:

(1) "Commission" means the Public Utilities Commission of the state of California.

(2) "Underground utility district" or "district" means that area in the county within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 1008-2.006.

(3) "Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees.

(4) "Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service. "Poles, overhead wires and associated structures" does not include a modified underground system where the installation of such system in a district has been specifically ordered pursuant to Section 1008-2.006.

(5) "Modified underground system" means an electrical distribution system consisting of metal poles supporting high voltage wires, switches, transformers and street lights, with all other facilities and

wires for the supplying and distribution of electrical energy and service placed underground, including occasional poles supporting only street lights if a light is required at a location where a metal electric distribution pole is not suitable.

(6) "County" means the county of Contra Costa, a political subdivision of the state of California.

(7) "Board" means the board of supervisors of Contra Costa County.

(8) "Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

(Ord. 68-10 § 2 (part), 1968: prior code § 7801).

1008-2.004 Public hearing by board—Notice.

The board may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated unincorporated areas of the county and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service or the installation of a modified underground system. The clerk of the board shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the board shall be final and conclusive. At the conclusion of the hearing, the board may make changes in, to or from the boundaries of the designated district area but the board shall not change the boundaries to include any territory which was not described in the notice for the aforesaid public hearing.

(Ord. 68-10 § 2 (part), 1968: prior code § 7802).

1008-2.006 Designation by board resolution.

If, after any such public hearing the board finds that the public necessity, health, safety or welfare requires such removal and such underground installation or the installation of a modified underground system within a designated area, the board shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation or the installation of a modified underground system. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation or the installation of a modified underground system shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation or the installation of a modified underground system, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

(Ord. 68-10 § 2 (part), 1968: prior code § 7803).

1008-2.008 Unlawful acts.

Whenever the board creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 1008-2.006, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner

or occupant to continue to receive utility service as provided in Section 1008-2.018, and for such reasonable time required to remove facilities after the work has been performed, and except as otherwise provided in this chapter.

(Ord. 68-10 § 2 (part), 1968: prior code § 7804).

1008-2.010 Exception—Emergency.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the board in order to provide emergency service. The board may grant special permission, on such terms as the board may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

(Ord. 68-10 § 2 (part), 1968: prior code § 7805).

1008-2.012 Exception—Certain facilities.

This chapter and any resolution adopted pursuant to Section 1008-2.006 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(1) Any county or municipal facilities or equipment installed under the supervision and to the satisfaction of the county's public works director;

(2) Poles or electroliers used exclusively for street lighting;

(3) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

(4) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;

(5) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

(6) Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

(7) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;

(8) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

(Ord. 68-10 § 2 (part), 1968: prior code § 7806).

1008-2.014 Notices to affected persons.

Within ten days after the effective date of a resolution adopted pursuant to Section 1008-2.006, the clerk of the board shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or

similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

Notification by the clerk of the board shall be made by mailing a copy of the resolution adopted pursuant to Section 1008-2.006, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

(Ord. 68-10 § 2 (part), 1968: prior code § 7807).

1008-2.016 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 1008-2.006, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

(Ord. 68-10 § 2 (part), 1968: prior code § 7808).

1008-2.018 Responsibility of property owners—Notice issuance.

(a) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall perform construction and provide that portion of the service connection on ~~his~~ the person's property between the facilities referred to in Section 1008-2.016 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

(b) In the event any person owning, operating, leasing, occupying or renting the property does not comply with the provisions of subsection (a) within the time provided for in the resolution enacted pursuant to Section 1008-2.006, the public works director shall post written notice on the property being served and thirty days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property.

(c) If the action required in subsection (a) is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 1008-2.006, the public works director, as an alternative to subsection (b), may give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten days after receipt of such notice.

(1) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, city or town of . . . . If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the public works director shall, within forty-eight hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on the premises.

(2) The notice given by the public works director to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if the work is not completed

within thirty days after receipt of such notice, the public works director will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(3) If upon the expiration of the thirty day period, the required underground facilities have not been provided, the public works director shall forthwith proceed to do the work. Upon completion of the work by the public works director, the public works director ~~he~~ shall file a written report with the board setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The board shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which the time shall not be less than ten days thereafter.

(4) The public works director shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the board will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(5) Upon the date and hour set for the hearing of protests, the board shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(6) If any assessment is not paid within five days after its confirmation by the board, the amount of the assessment shall become a lien upon the property against which the assessment is made by the public works director, and the public works director is directed to turn over to the assessor and tax collector a notice of lien on each of the properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises upon which the assessment was not paid. The assessment shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per year.

(Ord. 68-10 § 2 (part), 1968: prior code § 7809).

1008-2.020 Responsibility of county.

The county shall remove at its own expense all county owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 1008-2.006.

(Ord. 68-10 § 2 (part), 1968: prior code § 7810).

1008-2.022 Time extension.

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 1008-2.006 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Ord. 68-10 § 2 (part), 1968: prior code § 7811).

1008-2.024 Violation—Penalty.

Any violation of this chapter by any person, firm, corporation, partnership, association, or any combination of these acting together shall be a misdemeanor punishable pursuant to the provisions of Section 14-8.004.

(Ord. 68-10 § 2 (part), 1968: prior code § 7812).

Division 1010. DRAINAGE

Chapter 1010-2 GENERAL PROVISIONS

Sections:

1010-2.002 Purpose.

This division is adopted to provide for the implementation of drainage, recreation and riparian vegetation provisions of the general plan, protect watercourse riparian vegetation, permit control of projects that may change the hydraulic characteristics of watercourses and drainage facilities, control erosion and sedimentation, prevent the placement or discharge of polluting matter into watercourses, and require adequate watercourse drainage facilities.

(Ord. 89-27).

1010-2.004 Findings and nuisance.

(a) Findings. The board finds and declares that the unregulated obstruction, modification and use of watercourses creates conditions tending to reduce the value of private property, to promote blight and deterioration of property, to cause flooding and drainage losses, and to be injurious to the public health, safety and general welfare.

(b) Nuisance. Violations of this division and the resulting watercourse conditions constitute public nuisances which may be abated as such in accordance with the provisions of this division and code.

(Ord. 89-27: Govt. C. § 25845).

1010-2.006 Prohibited activities.

No person, firm, corporation, municipality or public district shall allow on its property or commit or cause to be committed any of the acts hereinafter described, unless a written permit has first been obtained from the enforcing officer or ~~his~~ the enforcing officer's duly appointed representative:

(1) Impair or impede the natural flow of storm waters, or other water running in a defined channel, natural or human-made~~man-made~~, or allow on its property or cause or permit the obstruction of such channel;

(2) Deposit any material in such channel;

(3) Excavate, grade or otherwise alter the surface of land so as to reduce the capacity of such channel;

(4) Destroy or significantly alter riparian or bank-stabilizing vegetation, including without limitation cutting, clearing, grubbing, burning, removing, excavating or grading, except as is necessary to maintain the hydraulic capacity of the watercourse:

(5) Plant any shrub, vine or tree within a riparian corridor;

(6) Construct, alter or repair any storm water drainage structure, facility or channel;

(7) Commit any act, within any easement dedicated for drainage purposes, that will impair the use of such easement for such purposes;

(8) Install or construct any new non-drainage structures, improvements thereto or expansion thereof including, but not limited to, buildings, swimming pools, patios, paving, fences, poles and similar improvements, within watercourses.

(Ord. 89-27: prior code § 7600: Ord. 1447).

1010-2.008 Emergency work authorization.

This division shall not prevent any person or the enforcing officer from performing emergency maintenance or work within, on, over, under, or through any watercourse, channel, ditch, conduit or natural drainageway, as necessary and proper for the preservation of life or property when an urgent necessity arises. The person performing the emergency work shall notify the enforcing officer within the next working day, and apply for a written permit within five calendar days of the beginning of work.

(Ord 89-27: prior code § 1010-2.006: Ord. 72-90: prior code § 7602: Ord. 1447).

1010-2.010 Fees.

The fees for permits for the performance of acts or works under this division and appeals shall be those recommended by the enforcing officer and established and adopted by the board of supervisors from time to time by ordinance. No fee shall be required for municipalities or public districts.

(Ord. 89-27: prior code § 1010-4.022: Ord. 72-90: prior code § 7630: Ord. 1447).

1010-2.012 Administration.

The public works department is charged with the responsibility for the administration of the provisions of this division. Pursuant to this code, the public works director may appoint or delegate authority to qualified persons or deputies for the purpose of the administration of this division.

(Ord. 89-27: prior code § 7605: Ord. 1447: § 4-2.202).

1010-2.014 Stop work orders.

Whenever any watercourse work or related activity is being done contrary to this division, the enforcing officer may order the work or activity stopped by notice in writing served on any persons engaged in the doing or causing of the work or activity; and these persons shall stop immediately until authorized by valid permit or the enforcing officer to proceed with the work or activity.

(Ord. 89-27).

Chapter 1010-4 APPEALS

Sections:

1010-4.002 Zoning administrator.

Any person aggrieved by the refusal or the terms of a permit required by this division may appeal to the zoning administrator. Administration of this chapter is referred to the zoning administrator and planning agency to review appeal applications pursuant to and otherwise regulated by the land use permit procedural provisions of Chapter 26-2.

(Ord. 89-27: prior code § 1010-2.008: Ord. 72-90: prior code § 7603: Ord. 1447).

1010-4.004 Exceptions.

If. in following the procedural provisions of Chapter 26-2, the zoning administrator is satisfied that all of the following are true, the permit shall be granted:

(1) That there are unusual circumstances or conditions affecting the property;

(2) That the applicant will be substantially damaged by the refusal to grant the permit;

(3) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant or necessary for the proper design and function of some permitted or existing activity on the property;

(4) That no other reasonable method of obtaining the desired results is available except as proposed by the applicant;

(5) That the granting of the permit will not be materially detrimental to the public interest, safety, health and welfare, or injurious to other property;

(6) That the granting of the exception will not unreasonably reduce or adversely impact the riparian corridor, and there is no feasible, less environmentally damaging, alternative; and

(7) That the granting of the exception will not adversely affect the purposes of this division and the policy and goals of the general plan.

(Ord. 89-27: prior code § 1010-2.010: Ord. 72-90: prior code § 7604: Ord. 1447).

Chapter 1010-6 DEFINITIONS

Sections:

1010-6.002 Generally.

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this chapter for the purposes of this division.

(Ord. 89-27).

1010-6.004 Defined channels.

"Defined channels," natural or human-made~~man-made,~~ means any of the following:

(1) Intermittent Stream. Any watercourse which has been verified by field investigation to;

(A) Have a significant waterflow thirty days after the last significant storm; or

(B) Have a well-defined channel; or

(C) Be a watercourse designated by a broken line symbol on the largest scale USGS Map most recently published.

(2) Perennial Stream. Any watercourse which is either:

(A) A watercourse which has been verified by field investigation as a stream which normally flows throughout the year; or

(B) A watercourse designated by a solid line symbol on the largest scale USGS Map most recently published.

(Ord. 89-27).

1010-6.006 Drainage easement.

"Drainage easement" means an easement provided for the installation, preservation or maintenance of drainage facilities, including conduits or channels.

(Ord. 89-27).

1010-6.008 Emergency.

"Emergency" means a sudden unexpected occurrence which presents a clear and imminent danger to life, health, property or essential public services which requires immediate action to mitigate.

(Ord. 89-27).

1010-6.010 Enforcing officer.

"Enforcing officer" means the public works director.

(Ord. 89-27).

1010-6.012 Erosion.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

(Ord. 89-27).

1010-6.014 Improved channel.

"Improved channel" means a watercourse which has been modified through human~~man-made~~ construction including (but not limited to) increasing the width and/or depth of it, straightening its alignment, or stabilizing the banks of it through grading, concrete, riprap or other means.

(Ord. 89-27).

1010-6.016 Riparian corridor.

"Riparian corridor" means an area of watercourse riparian vegetation which may be identified through field investigations. The boundary shall be defined as the outer limit of the occurrence of riparian vegetation.

(Ord. 89-27).

1010-6.018 Riparian vegetation.

"Riparian vegetation" means vegetation associated with the banks, edges or terrestrial limits of watercourses requiring or tolerating soil moisture levels in excess of that available in adjacent uplands.

(Ord. 89-27).

1010-6.020 Runoff.

"Runoff" means the surface water flow or rate of flow following precipitation.

(Ord. 89-27).

1010-6.022 Sedimentation.

"Sedimentation" means the process by which mineral or organic matter is removed from its site of origin, transported and deposited by water, wind or gravity.

(Ord. 89-27).

1010-6.024 Structure setback area.

"Structure setback area" is as provided for in Chapter 914-14.

(Ord. 89-27).

1010-6.026 Unimproved channel.

"Unimproved channel" means a watercourse which has been left as much as possible in its natural state.

(Ord. 89-27).

1010-6.028 Watercourse.

"Watercourse" means any natural or human-made ~~man-made~~ channel for transporting water, including the stream bed and the banks, whether continuously flowing or intermittent.

(Ord. 89-27).

Chapter 1010-8 PERMITS

Sections:

1010-8.002 Issuance.

The written permits required by this division shall be issued by the enforcing officer for any lawful use, subject to conditions set forth in this division, the permit and as required by law. The terms of the permit shall require the property owner and permittee to be responsible for all work done and to hold harmless and defend the county, district and their officers, employees and agents against any damage claims. The issuance of a permit shall in no manner whatsoever imply or impute a responsibility or liability to the county, the Contra Costa County Flood Control and Water Conservation District, or their officers, employees or agents, for injuries resulting from any act or condition regulated by this division.

(Ord. 89-27: prior code § 1010-4.002: Ord. 72-90: prior code § 7620: Ord. 1447).

1010-8.004 Application form.

(a) The enforcing officer shall prescribe and provide a standard form of application for a permit required by this division and such application, when duly executed and signed by the enforcing officer, shall become the permit.

(b) The application form shall state the property owner's and permittee's name, if different, together with such details as in the opinion of the enforcing officer are necessary to establish the purpose of the act or work to be performed, the location, dimensions, estimated total cost, and the dates for commencement and for completion of the act or work, except that at the enforcing officer's discretion a completion date may be specified.

(c) To be complete, the application shall be executed by the property owner or the owner's duly appointed agent, be accompanied with the required fee or fees, and deposited with the enforcing officer.

(Ord. 89-27: prior code § 10104.004: Ord. 72-90: prior code § 7621: Ord. 1447).

1010-8.006 Exhibits and conditions.

The applicant shall enclose with, include, attach or add to the application for a permit a map, plat, sketch, diagram or similar exhibit of a size and in such quantity as the enforcing officer may prescribe, on which exhibit shall be plainly shown any and all information of a technical or engineering nature necessary to locate, delineate, illustrate, identify, justify and substantiate the proposed act or work, and the right and necessity of the applicant to perform the act or work. The enforcing officer may require to be submitted such soil investigation, tests of materials, environmental documents, engineering plans and investigations, technical reports and other permits, as the officer deems necessary and proper. If necessary, changes, corrections and notes may be made on any such

exhibit and/or conditions inserted on the permit and these items shall become an integral part of the permit when attested to by the enforcing officer.

(Ord. 89-27: prior code § 1010-4.006: Ord. 72-90: prior code § 7622: Ord. 1447).

1010-8.008 Consent of person affected.

(a) The applicant shall enclose with, attach or add to the application for a permit the written consent and waiver of liability given by any and all persons or bodies politic having jurisdiction or any interest in the property where work is to be performed, who of themselves or their property would be affected in any manner by the acts or works to be performed.

(b) The granting of a permit pursuant to this division shall not be construed as permission or license to enter on, occupy or otherwise utilize private or noncounty property without the expressed consent of the owner or agent in possession thereof.

(Ord. 89-27: prior code § 1010-4.008: Ord. 72-90: prior code § 7623: Ord. 1447).

1010-8.010 Types of permits.

Written permits required by this division shall be one of the following types, depending on the decision of the enforcing officer:

(1) "Regular permits" to do work under the provisions of this division shall be issued for the performance of those acts or works permitted by this division.

(2) "Conditional permits" shall be issued when such conditions or circumstances exist or will foreseeably occur which could in any manner be adverse to the performance of the acts or works or be adverse to the purpose for which the acts or works are to be performed. Such conditions or circumstances shall be specifically set forth upon the application for permit or shall be attached thereto and shall be considered incorporated in the permit.

(3) "Emergency permits" shall be issued for reasons necessitating emergency action as set out in Section 1010-2.008.

(Ord. 89-27: prior code 1010-4.010: Ord. 72-90: prior code § 76-24: Ord. 1447).

1010-8.012 Term and beginning work.

The permittee shall begin the act or work authorized by a permit issued pursuant to this division within thirty calendar days from date of issuance, unless another date is specifically indicated in the permit. The permittee shall notify the enforcing officer at least two working days prior to beginning work. Should the act or work not be commenced on or before the date indicated in the permit, the permit shall become void unless, prior to the date of expiration, the permittee presents good and sufficient reason for any extension of time and the date is extended by the enforcing officer in writing. A permit which has become void by reason of noncommencement of work prior to the stipulated date may be renewed at the discretion of the enforcing officer and upon payment of a renewal fee as provided for in the schedule of fees adopted by the board of supervisors.

(Ord. 89-27: prior code 1010-4.012: Ord. 72-90: prior code § 7625: Ord. 1447).

1010-8.014 Completion and inspection.

(a) The permittee shall complete the act or work authorized by a permit issued pursuant to this division within the time and before the date stipulated in the permit. The permittee shall notify the enforcing officer in writing upon completion of any act or work, and no work shall be deemed to have been completed until such written notification has been received and a final inspection of the work has been made by a representative of the enforcing officer, unless such inspection is waived in writing by the enforcing officer. No permittee shall be deemed to have complied with this division until such inspection has been performed and the enforcing officer is satisfied that everything required to be done has been completed.

(b) Any work or act performed without a permit or not covered by an issued permit may be acknowledged as complete by the enforcing officer; provided, that such work or act complies with the requirements of this division and is otherwise acceptable to the enforcing officer; and provided, that all permit fees are paid. In the event the work or act is unacceptable and does not comply with the requirements of this division or code, the enforcing officer may exercise any available remedies, including without limitation the procedure prescribed in Chapter 1010-10.

(Ord. 89-27: prior code § 1010-4.014: Ord. 72-90: prior code § 7626: Ord. 1447).

1010-8.016 Performance security.

Prior to the issuance of a permit the applicant shall deposit with the enforcing officer cash or check for payment to the county treasurer in an amount deemed adequate by the enforcing officer but not exceeding the estimated total cost, including all labor and materials, of the work to be performed; except that such deposit may be waived by the enforcing officer. In lieu of a cash deposit, the applicant may file an approved surety bond issued by a company or corporation authorized to engage in general surety business in the state of California or an acceptable instrument of credit meeting subdivision security standards. The conditions of any cash deposit or surety bond made pursuant to this section shall be that the permittee will diligently and in good faith comply with all provisions of this division, with all terms and conditions contained in the issued permit, and will pursue the work to completion without undue delay except for reasonable cause. Upon satisfactory and acceptable completion of the work as set forth in Section 1010-8.014, the cash deposit shall be refunded to the permittee, the permittee shall be exonerated from the surety bond or the instrument of credit released by the enforcing officer in writing upon the expiration of ninety days. The enforcing officer shall not be responsible to ascertain whether there exist unsatisfied liens against the premises upon which the work was performed.

(Ord. 89-27: prior code 1010-6.002: Ord. 72-90: prior code § 7631: Ord. 1447).

1010-8.018 Liability insurance.

In addition to the other requirements of this division, satisfactory proof by certificate of insurance is required that the permittee has in force a valid public liability insurance policy which includes the county, the Contra Costa County flood control and water conservation district, their officers, employees and agents as additional insureds. Unless such insurance coverage is waived by the enforcing officer, it shall be in an amount the officer deems sufficient to adequately protect the additional insureds from liability for damages to person(s) or property(s) arising from the activities related to the permit.

(Ord. 89-27).

1010-8.020 Changes.

No changes shall be made in the location, dimensions, materials or character of the work authorized in a permit, except upon written authorization to do so by the enforcing officer.

(Ord. 89-27: prior code § 1010-4.018: Ord. 72-90: prior code § 7628: Ord. 1447).

1010-8.022 Nontransferable.

A permit issued pursuant to this division shall not be transferable by, for, or on behalf of the permittee, ~~his or her~~the permittee's heirs, assigns or successors.

(Ord. 89-27: prior code § 1010-4.020: Ord. 72-90: prior code § 7629: Ord. 1447).

1010-8.024 Unsatisfactory permit work.

(a) If the enforcing officer determines that the performance of the work described in a permit is unsatisfactory or unacceptable, or both, the permittee shall reconstruct the work to the satisfaction of the enforcing officer.

(b) If the enforcing officer determines that delay in pursuit or completion of the act or work is due to lack of diligence or wilful act on the part of the permittee, or that the work is unsatisfactory or unacceptable, or both, if essential to the health, safety or welfare of the public, the enforcing officer may request the board of supervisors for authorization to perform or contract with any licensed general contractor to complete, erect, install, reconstruct or alter all structures or work in conformance with the permit, or to remove all structures and obliterate all work not completed. The costs (including administrative and overhead expenses) incurred thereby shall be repaid to the county from the cash, instrument of credit or surety bond deposited by the permittee with the county for the performance of the work; provided, that any and all costs incurred by the county which exceed the cash deposit, instrument of credit or surety bond's penalty sum shall be paid by the permittee to the county.

(Ord. 89-27, 85-13 § 2: prior code § 7627: Ord. 1447).

Chapter 1010-10 NUISANCE ABATEMENT

Sections:

Article 1010-10.2. Notice

1010-10.202 Abatement.

The enforcing officer may have nuisances abated and/or removed in accordance with the procedure prescribed in this division.

(Ord. 89-27).

1010-10.204 Notice.

In the event of a violation of this division constituting a public nuisance, and in addition to other remedies and penalties provided in this code, the enforcing officer may deliver or mail, by registered or certified mail, to the owner of the property on which the violation occurred (or is occurring) and to any involved permittee, a ten-day

notice of intention to abate the nuisance unless the owner does so within ten days after the notice is received. Notice shall be provided at the address of the owner as it appears on the last equalized assessment roll.

(Ord. 89-27: Govt. C. § 25845).

1010-10.206 Content.

The notice shall contain:

(1) A statement of the nature of the nuisance;

(2) That the owner and any involved permittee must abate the nuisance within ten days or, if they fail to do so, the nuisance may be abated by the enforcing officer and the owner and any involved permittee shall be liable to the county for the costs thereof;

(3) An estimate of the cost of abatement (including overhead and administrative costs);

(4) A statement that this cost may be levied as a special assessment on the owner's land;

(5) A statement of the property owner and any involved permittee's hearing rights and notice to them that they may appear in person at a hearing or by sworn written statement in lieu of appearing.

(Ord. 89-27).

Article 1010-10.4. Hearings and Appeals

1010-10.402 Hearing requests.

(a) Request. Within ten days after the mailing, delivery and receipt date(s), whichever is later, of the notice of intention to abate and remove, the property owner or possessor of the property and any involved permittee may request the zoning administrator for a public hearing on the question of abatement and the estimated cost thereof.

(b) Notice. The zoning administrator shall immediately notify the enforcing officer of any such request.

(Ord. 89-27).

1010-10.404 No hearing.

If no request for hearing is received within the ten-day period, the enforcing officer or any person the enforcing officer authorizes may abate the nuisance. Thereafter, the costs of abatement shall be collected pursuant to Article 1010-10.8.

(Ord. 89-27).

1010-10.406 Hearing notice.

When a hearing is requested, the zoning administrator shall mail notice of the hearing at least ten calendar days before the hearing date, to the enforcing officer, the property owner, any known possessor of the property and any involved permittee.

(Ord. 89-27).

1010-10.408 Hearings.

All hearings under this division shall be held before the zoning administrator who shall receive all evidence the zoning administrator deems material, including the condition of the property, the circumstances of the nuisance and the location and the estimated cost of the abatement. The zoning administrator shall not be limited by the technical rules of evidence. The property owner, any known possessor of the property or involved permittee may appear in person or present a sworn written statement, in time for consideration at the hearing.

(Ord. 89-27).

1010-10.410 Decisions.

The zoning administrator may impose such conditions and take such other action as the zoning administrator deems appropriate under the circumstances to carry out the purpose of this division. The zoning administrator may delay the time for removal of the nuisance if, in the zoning administrator's opinion, the circumstances justify it. At the conclusion of the public hearing, if the zoning administrator finds that there is a nuisance, the zoning administrator may order it abated and/or removed as a public nuisance as hereinafter provided and determine the cost of abatement to be charged against the landowner. The order requiring abatement shall include a description of the nuisance.

(Ord. 89-27).

1010-10.412 Notice of decision.

If an interested party makes a written presentation to the zoning administrator but does not appear, such interested party shall be notified in writing of the decision.

(Ord. 89-27).

1010-10.414 Appeals.

(a) The enforcing officer, the property owner, any known possessor of the parcel, or any involved permittee may appeal the zoning administrator's decision by filing with the zoning administrator a written notice of appeal, accompanied with any required fee, within ten calendar days after the zoning administrator's decision. The zoning administrator shall promptly transmit the proceedings to the board of supervisors.

(b) The board's clerk shall promptly give written notice of the time and place of the hearing to the appellant and those persons specified in Section 1010-10.406.

(c) The board shall promptly hear such appeal, and may affirm, amend or reverse the order, or take other action it deems appropriate. It shall not be limited by the technical rules of evidence.

(Ord. 89-27).

Article 1010-10.6. Final Abatement Action

1010-10.602 Action.

This division's nuisances may be abated when:

(1) Releases authorizing abatement and property cost collection have been signed by the involved property's owner(s); or

(2) There is no replay to the notice of intent to abate by the end of the ten-day waiting period; or

(3) The zoning administrator decides the nuisance is to be abated and no appeal is made to the board; or

(4) After an appeal has been decided in favor of abatement.

(Ord. 89-27).

1010-10.604 Cost record.

The enforcing officer shall prepare an itemized written account of all expenses, including administration and overhead, incurred to abate the nuisance where it is proposed to collect costs pursuant to Article 1010-10.8. Until such report is completed, no abatement costs (including administration) will be placed as a special assessment against the parcel of land.

(Ord. 89-27).

Article 1010-10.8. Cost Collection

1010-10.802 Collection.

If the abatement cost (overhead, administrative and removal costs) which is charged against the owner of a parcel of land pursuant to Sections 1010-10.404, 1010-10.410 and 1010-10.414 is not paid within thirty days after the completed abatement, the date of the order or the final disposition of an appeal therefrom, such cost shall be, and is assessed as a special assessment against the parcel of land pursuant to Government Code Section 25845, which shall be transmitted to the auditor-controller for collection with the same priority as other county taxes and to the office of the county recorder for recordation.

(Ord. 89-27).

1010-10.804 Assessment notice abatement lien.

The enforcing officer shall file with the auditor-controller and county recorder a certificate substantially in the following form:

"NOTICE OF ASSESSMENT AND
ABATEMENT LIEN
(Watercourse Nuisance Abatement Cost)

Pursuant to Government Code Section 25845 and Section 1010-10.802 of this code, Contra Costa County abated a nuisance on the parcel of real property described below, of which the named person(s) is the owner shown on the last equalized assessment roll or possessor, and fixed the below-shown amount as the cost thereof and hereby claims a special assessment and abatement lien against said parcel for this amount.

1. OWNER(S) OR
   POSSESSOR(S):
2. LAST KNOWN ADDRESSES
   OF OWNER(S) OR
   POSSESSOR(S):
3. DATE ABATEMENT
   ORDERED:

4. DATE ABATEMENT COMPLETE:
5. PARCEL: Real property in Contra Costa County, California; County Assessor's parcel #: (other description where needed):
6. AMOUNT OF ABATEMENT (ASSESSMENT) COST: $

Dated:	Contra Costa County
	By:
	(Enforcing Officer)"

(Ord. 89-27).

1010-10.806 Release and subordination.

An abatement lien created under this division may be released or subordinated by the enforcing officer in the same manner as a judgment lien on real property may be released or subordinated.

(Ord. 89-27: Govt. C. § 25845).

Division 1012. COUNTY SERVICE AREA CHARGES

Chapter 1012-2 GENERAL PROVISIONS

Sections:

Article 1012-2.2. General Provisions

1012-2.202 Purpose.

This division effectuates the County Service Area Law (Government Code Sections 25210.1 and following) including future amendments thereto, and constitutes the ordinance referred to in Section 25210.77a therein.

(Ords. 90-32, 7942).

1012-2.204 Use of revenue.

Revenues from service charges shall be used only to pay for the cost of miscellaneous extended services.

(Ords. 90-32, 79-42).

Article 1012-2.4. Definitions

1012-2.402 General.

Unless otherwise specifically provided, or required by the context, the following terms have these meanings in this division.

(Ords. 90-32, 79-42).

1012-2.404 County service area.

"County service area" means a present or future service area formed pursuant to Government Code Sections 25210.1 ff.

(Ords. 90-32, 79-42).

1012-2.406 Miscellaneous extended service.

"Miscellaneous extended service" means those services enumerated and described in Government Code Section 25210.4a, including future amendments thereto, which are or will be provided in a county service area pursuant to this division.

(Ords. 90-32, 70-42).

1012-2.408 Service charge.

"Service charge" means a charge imposed pursuant to this division on property located within a county service area to pay for the cost of miscellaneous extended service(s) therein for a fiscal year.

(Ords. 90-32, 79-42).

1012-2.410 Designated director.

"Designated director" means the director of the county department responsible for administering the program services of the particular county service area and designated by the board to annually comply with this division's requirements for a particular service charge.

(Ord. 90-32).

Article 1012-2.6. Procedures

1012-2.602 Tentative report.

The designated director shall prepare a tentative report for each fiscal year for which a service charge is to be imposed and shall file it with the clerk of the board of supervisors.

(Ords. 90-32, 79-42).

1012-2.604 Contents.

The tentative report shall contain a description of each parcel of real property receiving the miscellaneous extended service, the basic service charge for each county service area subject to a service charge hereunder, and the estimated amount of the service charge for each parcel for such year.

(Ords. 90-32, 79-42).

1012-2.606 Computation of service charge.

(a) In General. The designated director shall compute and apportion the service charge by any formulas or methods which fairly distribute the service charge among all subject parcels in proportion to the estimated benefits they will receive from the miscellaneous extended service.

(b) Street Lighting Charge. In computing the street lighting charge, the designated director may consider the class of use being made of the parcel, the intensity of lighting use, and the need for lighting as an anticrime measure.

(Ords. 90-32, 79-42).

1012-2.608 Notice of hearing.

Upon filing of the tentative report, the clerk of the board shall fix a time, date, and place for a board hearing thereon and for filing objections or protests thereto, and shall publish notice thereof as provided in Government Code Section 6066.

(Ords. 90-32, 79-42).

1012-2.610 Hearing.

The board shall hear the matter as scheduled, or as postponed or continued for good cause, and consider any objections or protests to the tentative report. The board of supervisors may then adopt, revise, change, reduce, increase, or modify any estimated service charge, and shall make its determination upon each estimated service charge as described in the tentative report and, thereafter, by resolution, may confirm the tentative report and assess the charges set forth therein. Such confirming resolution shall be adopted no later than July 1st of the fiscal year during which the service charge is to be collected.

(Ords. 90-32, 79-42).

1012-2.612 Final report and levy.

Thereafter, the designated director may revise the tentative report to conform to the official assessment roll for the fiscal year in which the service charge is to be collected, and such revised (or unrevised, if no revision is necessary) report is the final report. Any change to an estimated basic service charge or estimated service charge may be based only on changes of ownership, changes of address, the subdivision of an existing parcel, and changes in the class of use of a parcel. Within thirty days after the assessment roll is delivered to the auditor, but no later than July 15th, the final report shall be presented to the board, which may, by resolution, confirm said report as presented or modified; the resolution constitutes the levy of the service charge for the fiscal year referred to in the final report. The resolution shall be adopted no later than August 10th of the fiscal year in which the service charge

is to be collected. The clerk shall immediately file certified copies of the final report and confirming resolution with the auditor.

(Ords. 90-32, 79-42).

1012-2.614 Collection of charge.

The service charge for each parcel set forth in the final report shall appear as a separate item on the tax bill. The service charge may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes.

(Ords. 90-32, 79-42).

1012-2.616 Applicable laws.

All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such service charge, except that, if for the first year such charge is levied the real property to which the service charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, the charge confirmed pursuant to this division shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

(Ords. 90-56, § 1, 90-32, 79-42).

1012-2.618 Deadlines do not invalidate.

Failure to meet any of the time limits set forth in this article shall not invalidate any service charge imposed under this division. All time limits are directory, not mandatory.

(Ords. 90-32, 79-42).

Chapter 1012-4 STREET LIGHTING SERVICE CHARGE IMPOSED

Sections:

1012-4.002 Charge imposed—Operative date.

Street lighting service charges are hereby assessed and levied upon all parcels located within every county service area providing street lighting services on July 1, 1979, and thereafter for each succeeding fiscal year. Said service charges shall be adopted pursuant to Chapter 1012-2.

(Ord. 79-42).

1012-4.004 Computation of street lighting service charge.

In computing the street lighting service charge pursuant to Section 1012-2.010, the public works director may consider the class of use being made of the parcel, the intensity of lighting use, and the need for lighting as an anticrime measure.

(Ord. 79-42).

Division 1014. STORMWATER MANAGEMENT AND DISCHARGE CONTROL

Chapter 1014-2 GENERAL PROVISIONS

Sections:

1014-2.002 Intent and purpose.

(a) The intent of this division is to protect and enhance the water quality of the county's unincorporated area watercourses pursuant to and consistent with the Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.), the Federal Clean Water Act (33 U.S.C. Section 1251 et seq.) and applicable implementing regulations.

(b) This division also carries out the conditions in the county's National Pollutant Discharge Elimination System (NPDES) permit issued by the San Francisco Bay Regional Water Quality Control Board that require, no later than February 15, 2005, implementation of appropriate source control and site design measures and stormwater treatment measures for projects that create or replace one acre (forty-three thousand five hundred sixty square feet) or more of impervious surface. Effective August 15, 2006, this threshold is reduced to projects that create or replace ten thousand square feet or more of impervious surface.

(c) It is the purpose of the board of supervisors in enacting this division to protect the health, safety and general welfare of the citizens of the unincorporated areas by:

(1) Eliminating, to the maximum extent practicable, illicit stormwater discharges to the stormwater system, pollutants of which otherwise would degrade the water quality of local streams.

(2) Minimizing increases in nonpoint source pollution caused by stormwater runoff from development that otherwise would degrade local water quality.

(3) Controlling the discharge to the county's stormwater system from spills, dumping, or disposal of materials other than stormwater.

(4) Reducing stormwater runoff rates and volumes and nonpoint source pollution whenever possible through stormwater management controls and ensuring that these management controls are properly maintained and pose no threat to public safety.

(5) Promoting no adverse impact (NAI) policies as developed by the Federal Emergency Management Agency (FEMA) and the Association of State Floodplain Managers (ASFPM), to the maximum extent practicable, in an effort to minimize the adverse impact of new development on stormwater quality or quantity.

(Ord. 2005-01 § 2, 96-21 § 3).

1014-2.004 Definitions.

As used in this division, the following words and phrases have the following meanings. Words and phrases in this division not otherwise defined shall be interpreted as defined in the regulations issued by the U.S. Environmental Protection Agency to implement the provisions of the Federal Clean Water Act, and as defined by the State Water Resources Control Board to implement the Porter-Cologne Water Quality Control Act:

(a) "Authorized county employee(s)" means those individuals designated by the director.

(b) "Best management practices" or "BMPs" include both structural devices and operational practices and procedures. "Structural BMPs" are devices, measures, or stormwater management facilities or activities that help to meet development runoff requirements at the premises. "Operational BMPs" include schedules of activities, prohibitions or practices, general good housekeeping, pollution prevention practices, maintenance procedures, and other management practices that prevent or reduce the discharge of pollutants directly or indirectly to watercourses, water bodies and wetlands.

(c) "County's NPDES permits" mean the NPDES permits issued jointly to Contra Costa County and other public agencies by the San Francisco Bay Regional Water Quality Control Board and the Central Valley Regional Water Quality Control Board. These permits are Permit Nos. CAS0029912 and CAS0083313 respectively, and any amendments, reissuances or successors to these NPDES permits.

(d) "Development" as used in this division means on land, in or under water, the placement or erection of any solid material or structure; the discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; the grading, removing, dredging, mining or extraction of any materials; any change in the density or intensity of use of land, including, but not limited to, a subdivision established pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land; any change in the intensity of use of water, or of access thereto; any construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural or public agency routine maintenance purposes.

(e) "Development runoff requirements" means the provisions in the county's NPDES permits that contain performance standards to address both the construction and post-construction phase impacts of new projects and redeveloped projects on stormwater quality. These requirements are in Section C.3 of the county's NPDES permits.

(f) "Director" means the director of public works or the director of public works' ~~his or her~~ designee.

(g) "Guidebook" means the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook.

(h) "Illicit discharge" means any discharge to the county's stormwater system that is not composed entirely of stormwater, except a discharge in compliance with a NPDES permit.

(i) "NPDES" means the National Pollutant Discharge Elimination System, established by the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act (33 U.S.C. Section 1251 and following).

(j) "Pollutant" means any material other than stormwater discharged into the water or stormwater system, including, but not limited to, petroleum products or by-products; solid waste; incinerator residue; sewage; sewage sludge; heat; chemical waste; biological materials; radioactive materials; wrecked or discarded equipment; rock; sand; soil; or industrial, municipal or agricultural waste.

(k) "Premises" means any building; structure; facility; land or portion of land whether improved or unimproved; or installation, including a building's grounds or other appurtenances; and adjacent sidewalks and parking strips.

(l) "Responsible person" means the owner or occupant of any premises or any person who engages in any activity from which there is or may be a discharge prohibited by Section 1014-4.006, or any person who releases pollutants to the county's stormwater system.

(m) "Stormwater" means flow of water on the surface of the ground resulting from precipitation.

(n) "Stormwater management facility" means any device designed to detain, retain, filter or infiltrate stormwater.

(o) "Stormwater control plan" means a plan that meets those criteria contained in the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook.

(p) "Stormwater control operation and maintenance plan" means a county approved document detailing operation and maintenance requirements for stormwater management facilities incorporated into a project.

(q) "Stormwater system" means that system of facilities (human-made~~man-made~~ or natural) by which stormwater may be conveyed, including flood control channels, any roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, improved channels, storm drains, or storm drain system, which are not part of a publicly owned treatment works ("POTW") as that term is defined in 40 CFR Section 122.2.

(Ord. 2005-01 § 2, 96-21 § 3).

1014-2.006 Responsibility for administration.

The director or the director's~~his or her~~ designee shall administer this chapter for the county.

(Ord. 2005-01 § 2, 96-21 § 3).

Chapter 1014-4 APPLICATION

Sections:

1014-4.002 Construction and application.

For the unincorporated area, this division shall be construed in a manner consistent with the requirements of the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act and amendments thereto, applicable implementing regulations, and the county's NPDES permits.

(Ord. 2005-01 § 3, 96-21 § 3).

1014-4.004 Stormwater control plan required.

(a) The following developments are subject to the requirements of provision C.3 of the county's NPDES permits:

(1) Any development that creates one acre (forty-three thousand five hundred sixty square feet) or more of impervious surface, including roof areas, streets and sidewalks. Excluded from this category is the construction of one single-family home that is not part of a larger plan of development, provided that the home has appropriate pollutant source control and site design measures and uses landscaping to appropriately treat runoff from roof and house-associated impervious surfaces.

(2) Streets, roads, highways and freeways under the county's jurisdiction that create one acre (forty-three thousand five hundred sixty square feet) or more of new impervious surface. Excluded from this category are sidewalks, bicycle lanes, trails, bridge accessories, guardrails and landscape features.

(3) Developments on previously developed sites that result in the addition or replacement of a combined total of one acre (forty-three thousand five hundred sixty square feet) or more of impervious surfaces. Excluded from this category are interior remodels and routine maintenance or repair. Excluded routine

maintenance or repair includes roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.

(b) Effective August 15, 2006, the following developments are subject to the requirements of provision C.3 of the county's NPDES permits:

(1) Any development that creates ten thousand square feet or more of impervious surface, including roof areas, streets and sidewalks. Excluded from this category is the construction of one single-family home that is not part of a larger plan of development.

(2) Streets, roads, highways and freeways under the county's jurisdiction that create ten thousand square feet or more of new impervious surface. Excluded from this category are sidewalks, bicycle lanes, trails, bridge accessories, guardrails and landscape features.

(3) Developments on previously developed sites that result in the addition or replacement of a combined total of ten thousand square feet or more of impervious surfaces. Excluded from this category are interior remodels and routine maintenance or repair. Excluded routine maintenance or repair includes roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.

(c) Every application for a development, including but not limited to a rezoning, tentative map, vesting tentative map, parcel map, conditional use permit, variance, development plan, site development permit, design review, or building permit, that is subject to development runoff requirements in the county's NPDES permits, shall comply with all requirements of the county's NPDES permits and be accompanied by a stormwater control plan that meets the criteria in the guidebook. Applications will not be deemed complete for processing until after the stormwater control plan has been reviewed and approved for completeness.

(d) For any development where a stormwater control plan is required, implementation of an approved stormwater control plan and submittal of an approved stormwater control operation and maintenance plan is a condition precedent to the issuance of a certificate of occupancy or final inspection permit.

(e) All stormwater management facilities implemented pursuant to this subsection shall be designed, constructed, maintained, and operated according to all requirements of the county's NPDES permits, the guidebook, and the approved stormwater control operation and maintenance plan. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Unless a different time period is provided for in the plan, those responsible for maintenance shall inspect the stormwater management facility at least annually. The plan also shall describe how the maintenance costs will be funded. Upon the failure of a responsible person to maintain a stormwater management facility in accordance with this chapter or the plan, the county may use any of the remedies provided in Chapter 1014-6 or otherwise available in law or equity.

(f) If a stormwater control plan requires the construction of stormwater management facilities (structural BMPs), the property owner must comply with Chapter 94-4 and must provide recorded covenants, easements, or offers of dedication allowing access for inspection and maintenance of those facilities by the county, the Contra Costa Mosquito and Vector Control District, the regional water quality control boards, the fire protection districts, the sanitary or sanitation districts, the municipal improvement districts, the reclamation districts, and other public agencies that have jurisdiction over the property.

(g) To the extent provided in the county's NPDES permits, the following projects are exempt from this section:

(1) Projects for which a privately-sponsored development application has been deemed complete by the county by February 15, 2005; or

(2) Public projects for which funding has been committed and for which construction is scheduled by February 15, 2005.

(Ord. 2005-01 § 3, 96-21 § 3).

1014-4.006 Prohibited discharges.

(a) The release of illicit discharges to the county stormwater system is prohibited.

(b) The following discharges are exempt from the prohibition set forth in subsection (a) of this section: flows from riparian habitats and wetlands; diverted stream flows; springs; rising groundwater; and uncontaminated groundwater infiltration.

(c) The following discharges are exempt from the prohibitions set forth in subsection (a) of this section if the regional water quality control board approves the exempted category under Section C.11 of the county's NPDES permits: uncontaminated pumped groundwater; foundation drains; water from crawl space pumps; footing drains; air conditioning condensate; irrigation water; landscape irrigation; lawn or garden watering; planned and unplanned discharges from potable water sources; water line and hydrant flushing; individual residential car washing; discharges or flows from emergency fire fighting activities; and dechlorinated swimming pool discharges.

(Ord. 2005-01 § 3, 96-21 § 3).

1014-4.008 Discharge in violation of NPDES permit.

Any discharge that would result in or contribute to a violation of the county's NPDES permits, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge is the responsibility of the person(s) causing or responsible for the discharge. To the extent allowed by law, such person(s) or permitee(s) shall defend, indemnify and hold harmless the county, its officers, employees, and agents in any administrative or judicial enforcement action.

(Ord. 2005-01 § 3, 96-21 § 3).

1014-4.010 Unlawful discharge and unlawful connections.

(a) It is unlawful to establish, use, maintain or continue unauthorized drainage connections to the county's stormwater system.

(b) It is unlawful to commence or continue any unauthorized discharge to the county's stormwater system.

(Ord. 2005-01 § 3, 96-21 § 3).

1014-4.012 Reduction of pollutants in stormwater.

(a) Generally. Any person engaging in activities that may result in pollutants entering the county's stormwater system shall undertake all practicable measures to reduce such pollutants. Examples of such activities include the ownership and use of premises that may be a source of pollutants, such as parking lots, gasoline stations, industrial facilities, business enterprises and dwelling units.

(b) Litter. No person shall throw, deposit, leave, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage or other discarded or abandoned objects, articles or other litter in or upon any street, alley, sidewalk, business place, creek, stormwater system, fountain, pool, lake, stream,

river or any other body of water, or upon any public or private parcel of land, except in containers or in lawfully established waste disposal facilities.

(c) Sidewalks. The occupant or tenant, or in the absence of occupant or tenant, the owner or proprietor of any real property in front of which there is a paved sidewalk, shall maintain the sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from the sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained as required for the disposal of solid waste.

(d) Parking Lots, Paved Areas and Related Stormwater Systems. Persons owning, operating or maintaining a paved parking lot, a paved area of a gasoline station, a paved private street or road, or a related stormwater system shall clean those premises as frequently and thoroughly as practicable in a manner that does not result in the discharge of pollutants to the county's stormwater system.

(e) Best Management Practices for New Developments and Redevelopments. All construction contractors performing work in the unincorporated area of the county shall conform to the requirements of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbooks for Construction Activities and New Development and Redevelopment, the Association of Bay Area Governments (ABAG) Manual of Standards for Erosion and Sediment Control Measures, the county's grading ordinance (Division 716 of the ordinance code), the ordinance codified in this chapter, and other generally accepted engineering practices for erosion control as required by the director. The director may establish controls on the volume and rate of stormwater runoff from new developments and redevelopment as may be appropriate to minimize the discharge and transport of pollutants.

(f) Notification of Intent and Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the regional water quality control board (San Francisco Bay Region or Central Valley Region), shall provide the notice of intent, comply with, and undertake all other activities required by any general stormwater permit applicable to such dischargers. Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by the permit.

(g) Compliance with Best Management Practices. Where best management practices, guidelines or requirements have been adopted by any federal, state, regional, city or county agency, for any activity or operation of premises that may cause or contribute to stormwater discharges prohibited pursuant to Section 1014-4.006, every person who undertakes such activity, or operation, or who owns or operates such premises, shall comply with such guidelines or requirements.

(h) Stormwater Pollution Prevention Plan. The director may require any business or utility in unincorporated areas of the county that is engaged in activities that may result in runoff pollutants or discharges prohibited by Section 1014-4.006 to develop and implement a stormwater pollution prevention plan, which must include an employee training program. Business activities which may require a stormwater pollution prevention plan include maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading, fueling, vehicle maintenance, food handling or processing, or cleanup procedures that are carried out partially or wholly out of doors.

(i) Coordination with Hazardous Material Release Response and Inventory Plans. Any business required by Chapter 6.95 of Division 20 of the Health and Safety Code (commencing with Section 25500) to submit a business plan or a risk management and prevention program (RMPP), or both, or any owner or operator of a hazardous water facility required by Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations to maintain a contingency plan, shall include in that plan or program provision for compliance with this division, including discharges prohibited under Section 1014-4.006 and the requirement to reduce the release of pollutants to the maximum extent practicable.

(j) Coordination with Vector Control Plan. All design, construction, operation and maintenance of stormwater management facilities shall conform to the requirements of the Contra Costa Clean Water Program's Vector Control Plan, as approved by a regional water quality control board.

(Ord. No. 2005-01 § 3).

1014-4.014 Compliance certificates for stormwater management facilities.

Each year, the public works department will send notice to each person who owns premises containing stormwater management facilities. That person will be required to complete and submit a valid operation and maintenance certificate certifying to the inspection of and the proper operation and maintenance of the treatment measures and other appropriate source control and site design measures at that time and during the preceding year.

(Ord. 2005-01 § 3).

1014-4.016 Authority to inspect.

(a) Generally. Routine or area inspections may be performed as deemed necessary to carry out the objectives of this division, including, but not limited to, random sampling, sampling in areas with evidence of stormwater contamination, evidence of the discharges prohibited under Section 1014-4.006 to the stormwater system, or similar factors. Inspections may also be conducted in conjunction with routine or scheduled inspections conducted by county departments, including Contra Costa Health Services, and other public agencies or special districts, including but not limited to sanitary districts, sanitation districts, fire protection districts, the Contra Costa Mosquito and Vector Control District, regional water quality control boards, reclamation districts and municipal improvement districts.

(b) Authority to Sample and Establish Sampling Devices. With the consent of the owner or occupant, or pursuant to a search or inspection warrant, any authorized county employee may use on any property such devices as are necessary to conduct sampling or metering operations. During all authorized inspections, the authorized county employee may take any sample deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on site.

(c) Notification of Spills.

(1) All persons in charge of a premises or responsible for emergency response for a premises have a responsibility to train premises personnel and maintain notification procedures to ensure that immediate notification is provided to the county of any suspected, confirmed or unconfirmed release of material, pollutants, or waste that creates a risk of discharges prohibited under Section 1014-4.006 into the county stormwater system.

(2) As soon as any person in charge of a premises or responsible for emergency response for the premises has knowledge of any suspected, confirmed or unconfirmed release of discharges prohibited under Section 1014-4.006 entering the county stormwater system, such person shall take all necessary steps to ensure the discovery, containment, and clean up of such release, and shall promptly notify the director of the occurrences by telephone. This notification requirement is in addition to and not in lieu of other required notifications.

(d) Requirement to Test or Monitor. Any authorized county employee may require that any person engaged in any activity that may cause or contribute to discharges prohibited under Section 1014-4.006, to undertake such monitoring activities or analysis, or both, and furnish such reports as the employee may specify. The burden of the requirements imposed, including costs, of these activities, analysis and reports shall bear a reasonable relationship to the need for the monitoring, analysis and reports and the benefits to be obtained.

The recipient of such request shall undertake and provide the monitoring, analysis and reports required in a timely manner.

(e) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this division, or whenever the director has reasonable cause to believe that there exists in any building or upon any premises any condition that makes such building or premises in violation of this division, the director may enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this division, with consent of the owner or occupant. If consent is refused, or if the owner or occupant cannot be located, the director may proceed pursuant to a search or inspection warrant.

(Ord. 2005-01 § 3, 96-21 § 3).

Chapter 1014-6 ENFORCEMENT

Sections:

1014-6.002 Violation constitutes misdemeanor or infraction.

Notwithstanding any other provision of this code, any person, firm, partnership, corporation or public agency that violates any provision of this division, or fails to comply with any of the mandatory requirements of this division, is guilty of a misdemeanor, unless, in the discretion of the public works director (as provided in this code) or the district attorney, it is charged and prosecuted as an infraction.

(Ord. 96-21 § 3).

1014-6.004 Penalty for violation.

Upon conviction, a person shall be subject to punishment in accordance with Chapter 14-8.

(Ord. 96-21 § 3).

1014-6.006 Continuing violation.

Every day that any violation of this division continues shall constitute a separate offense.

(Ord. 96-21 § 3).

1014-6.008 Concealment.

Concealing, aiding or abetting a violation of any provision of this division shall constitute a violation of such provision.

(Ord. 96-21 § 3).

1014-6.010 Acts potentially resulting in violation of Federal Clean Water Act or Porter-Cologne Act.

Any person who violates any provision of this division or a provision of any permit issued pursuant to this division, or who discharges waste or wastewater that causes pollution, or who violates any cease-and-desist order, prohibition or effluent limitation, may also be in violation of the Federal Clean Water Act or the Porter-Cologne

Act, or both, and may be subject to the sanctions of those acts, including civil and criminal penalties. Any enforcement action authorized under this division may also include notice to the violator of such potential liability.

(Ord. 96-21 § 3).

1014-6.012 Violation deemed a public nuisance.

In addition to the penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this division is a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated in accordance with the provisions of Chapter 14-6.

(Ord. 96-21 § 3).

1014-6.014 Civil actions.

(a) In addition to any other remedies provided in this chapter, or otherwise provided by law, any violation of this chapter may be enforced by civil action brought by the county. In any such action, the county may seek, as appropriate, any or all of the following remedies:

  (1) A temporary restraining order, preliminary injunction and permanent injunction;

  (2) An action for an unlawful business practice pursuant to Business and Professions Code Section 17206.

(b) In addition, any person violating this division may be liable for:

  (1) Reimbursement for the costs of any investigation, inspection or monitoring which led to the discovery of the violation;

  (2) Costs incurred in removing, correcting or terminating the adverse effect(s) resulting from the violation;

  (3) Compensatory damages for the loss of, or destruction to, water quality, wildlife, fish or aquatic life. Costs and damages under this subsection shall be paid to the county and shall be used exclusively for costs associated with monitoring and establishing a stormwater discharge pollution control system and implementing or enforcing the provisions of this chapter;

  (4) The cost of maintenance and repair of any stormwater management facility that is not maintained in accordance with all requirements of the county's NPDES permits, the guidebook, the stormwater control plan, and the stormwater control operation and maintenance plan;

  (5) The reasonable costs of preparing and bringing administrative action under this chapter.

(Ord. 2005-01 § 4, 96-21 § 3).

1014-6.016 Remedies not exclusive.

The remedies identified in this division are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 96-21 § 3).

1014-6.018 Appeal.

Any person required to perform monitoring, analysis, reporting or corrective activities by any authorized county employee and who is aggrieved by this decision of the authorized county employee may appeal the

decision in writing to the public works director within ten days following the effective date of the decision. Upon receipt of such appeal, the public works director shall request a report and recommendation from the authorized county employee and shall set the matter for hearing at the earliest practical date. At said hearing, the public works director may base the public works director's ~~his or her~~ decision on additional evidence, and may reject, affirm or modify the authorized county employee's decision. The decision of the public works director may be appealed to the board of supervisors in accordance with the provisions of Chapter 14-4.

(Ord. 96-21 § 3).

Division 1016 SIDEWALKS

Chapter 1016-2 SIDEWALK MAINTENANCE AND REPAIR

1016-2.002 Definitions.

For purposes of this chapter, the following terms have the following meanings:

(a) "Adjacent owner" means the owner of a lot or portion of a lot fronting a sidewalk who has a duty pursuant to Chapter 22 of Part 3 of Division 7 of the Streets and Highways Code to maintain and repair that sidewalk.

(b) "Sidewalk" has the meaning set forth in Streets and Highways Code Section 5600.

(Ord. No. 2008-24, § II, 9-23-08)

1016-2.004 Duty to maintain owed to public.

An adjacent owner owes a duty to members of the public to maintain the sidewalk abutting the adjacent owner's property in a condition that does not endanger the public.

(Ord. No. 2008-24, § II, 9-23-08)

1016-2.006 Adjacent owner's liability.

If an adjacent owner's failure to maintain the sidewalk abutting the property results in a condition that is a danger to the public, and a person suffers injury or damage while on the sidewalk, the adjacent owner is liable to the injured person for the injury or damage caused by the dangerous condition.

(Ord. No. 2008-24, § II, 9-23-08)

1016-2.008 Joint and several liability.

If more than one party is an adjacent owner, the obligations and liabilities established by this chapter are joint and several as to each party.

(Ord. No. 2008-24, § II, 9-23-08)

1016-2.010 Removal of obstructions.

(a) An adjacent owner shall keep the sidewalk abutting the adjacent owner's property free and clear of all weeds, rubbish, dirt, rocks, debris, or any other obstruction that interferes with the free passage of pedestrians.

(b) The director of public works may abate any sidewalk obstruction pursuant to Article 14-6.4 or any other remedy allowed by law.

(Ord. No. 2022-01, § II, 1-11-22)

Title 11
INSTITUTIONS AND PROPERTY

Division 1102 PROBATION DEPARTMENT INSTITUTIONS

Chapter 1102-2 JUVENILE INSTITUTIONS

Article 1102-2.2 General

1102-2.202 Establish and name institutions.

Pursuant to Welfare and Institutions Code Sections 850 ff. and 880 ff., the following juvenile halls, homes, ranches, camps, and forestry camps are established and referred to in this chapter as institutions:

(1) Contra Costa County Juvenile Hall, at Martinez, California;

(2) Contra Costa County Orin Allen Youth Rehabilitation Facility (Ranch), at Byron, California;

(3) Contra Costa County Boys' Treatment Camp, at Martinez, California;

(4) Community Day Centers in various schools in this county;

(5) Contra Costa County Girls' Treatment Camp, at Martinez, California.

(Ords. 79-49, 78-35, 73-48, 73-13, 70-59: prior code 2620: Ords. 1920, 1635, 1276).

(Ord. No. 2013-11, § III, 3-19-13)

1102-2.204 Contra Costa County Boys' Treatment Camp.

Pursuant to Welfare and Institutions Code Section 881, thirty beds at Contra Costa County Juvenile Hall are designated as juvenile camp beds for the Boys' Treatment Camp. The board of supervisors may temporarily suspend this designation at any time by resolution.

(Ord. No. 2013-11, § IV, 3-19-13)

Article 1102-2.4 Supervision and Personnel

1102-2.402 Supervision.

The probation officer and department shall manage and control the internal affairs of these institutions, through one or more superintendents who shall each be in charge of one or more of the institutions.

(Ord. 70-59 § 2 (part), 1970).

1102-2.404 Personnel.

All the compensated personnel of these institutions are subject to the county's civil service system and shall be appointed by the probation officer, who shall, subject to confirmation by the board of supervisors, appoint the superintendent(s) and be their appointing authority for purposes of civil service regulations.

(Ord. 70-59 § 2 (part), 1970).

Article 1102-2.6 Schools

1102-2.602 Schools—Established.

Pursuant to state statutes (e.g., Welfare and Institutions Code Sections 856 ff. and 889 ff. and Education Code Sections 1154, 18355 and 18358), elementary public schools, secondary public schools and related activities are established in connection with the institutions listed in Section 1102-2.202, except the community day centers.

(Ord. 73-13 § 2, 1973: Ord. 70-59 § 2 (part), 1970).

1102-2.604 Schools—Maintenance.

The county superintendent of schools shall establish and maintain these schools.

(Ord. 70-59 § 2 (part), 1970).

Article 1102-2.8 Violations

1102-2.802 Violation—Unauthorized communication.

No person shall, without the express permission of the probation officer or one of ~~his~~the probation officer's deputies:

(1) Communicate with any minor detained or sheltered in any juvenile institution, established under Section 1102-2.202 or otherwise; or

(2) Bring to or take from, for or on behalf of any such minor, any written matter, weapon, instrument, drug, tobacco or alcoholic beverage.

(Ord. 70-59 § 2 (part), 1970).

1102-2.804 Violation—Loitering.

No person shall loiter, prowl or wander in or about any juvenile institution, established under Section 1102-2.202 or otherwise, or the grounds belonging or adjacent thereto, without apparent reason or business and refuse to identify themself ~~himself~~ and to account for ~~his~~ their presence when requested so to do by the probation officer or any of ~~his~~ the probation officer's deputies or any peace officer, when the surrounding circumstances would reasonably indicate that the person's ~~his~~ purpose or intent was to violate the provisions of Section 1102-2.202 or of any other statute or ordinance or to interfere with or to disturb the orderly operation of the institution.

(Ord. 70-59 § 2 (part), 1970).

1102-2.806 Violation—Escapes.

(a) No juvenile lawfully placed or confined in any juvenile institution established under Section 1102-2.202 shall escape from or leave it except as authorized.

(b) No person shall wilfully and knowingly harbor or conceal ~~anyone~~ a juvenile violating or attempting to violate subsection (a), with intent that the juvenile ~~he~~ may thereby avoid or escape pursuit, arrest or trial therefor.

(Ord. 71-100 § 1, 1971).

Division 1104 SHERIFF'S INSTITUTIONS

Chapter 1104-2 WORK—EDUCATION—FURLOUGH PROGRAM

1104-2.002 Feasibility and establishment.

The board of supervisors finds, on the basis of local employment and educational conditions, the state of the county jail facilities and other pertinent circumstances it has considered, that the operation of Penal Code Section 1208 providing for the operation of a work — educational — furlough program for county jail prisoners is feasible as to employment and education, and establishes a work — educational — furlough program in this county.

(Ord. 68-60 § 1 (part), 1968: Ord. 1899: prior code § 5470).

1104-2.004 Administrator.

The sheriff shall perform the functions of the work — educational — furlough administrator.

(Ord. 68-60 § 1 (part), 1968: Ord. 1899: prior code § 5471).

1104-2.006 Intercounty agreements delegation.

Pursuant to Penal Code Section 1208.5, the board delegates to the sheriff as work-furlough administrator its authority to enter into agreements for intercounty transfer of persons under work-furlough programs.

(Ord. 77-49).

Chapter 1104-4 SHERIFF'S INMATE SIGN PROGRAM

1104-4.002 Purposes.

(a) The sheriff's inmate sign program uses county jail inmate labor to produce metal, plastic, and vinyl signs and awards for Contra Costa County departments, cities, special districts, other public entities, and nonprofit or for profit organizations, entities or businesses. The sheriff or ~~his or her~~the sheriff's designee is authorized to contract as necessary for the selling of signs and awards made by inmates.

(b) The purposes of the inmate sign program are to:

(1) Enhance inmates' abilities to become productive members of the community upon release from custody, through work experience, education and vocational training that will improve opportunities for their employment upon release;

(2) Reduce inmate idleness and increase the productivity of the inmate population;

(3) Promote inmate socialization;

(4) Provide needed signs to entities at reasonable cost.

(Ord. 99-27 § 2; Cal. Const. Art. XIV, § 5 (a); Pen. Code § 4018.5).

1104-4.004 Operation of program.

(a) The sheriff's staff shall administer the inmate sign program. Program staffing shall include a contract instructor, who shall oversee the daily operation of the program. Program staffing may include, but is not limited to, county staff, contract staff instructors from community colleges, school district adult education programs, and qualified volunteers.

(b) The sheriff shall adopt rules and regulations governing the operation of the program. The rules and regulations may include, but are not limited to, the hours of operation for the program, the number of inmates allowed to participate in the program, the location of the program, and time limits on inmates' participation.

(Ord. 99-27 § 2).

1104-4.006 Funding of program.

The inmate sign program shall conduct business as an enterprise fund. Initial funding for the program will come from the inmate welfare fund. The proceeds from the sales of the signs shall first reimburse the inmate welfare fund, and then offset the costs of the program.

(Ord. 99-27 § 2).

1104-4.008 Inmate eligibility requirements.

(a) Inmate participation in the inmate sign program shall be on a volunteer basis.

(b) The Sheriff shall determine inmate eligibility for the inmate sign program based on:

(1) The inmate's expressed desire to participate in the program;

(2) The compatibility of the inmate's classification and housing assignment with the inmate's participation in the program;

(3) The inmate's behavior and relationships with others at the detention facility as shown by the inmate's ability to deal with authority figures, detention facility staff and workers, and inmates;

(4) The availability of space in the program;

(5) The detention facility's security and operational needs;

(6) The safety of the inmate and other persons.

(Ord. 99-27 § 2).

1104-4.010 Inmate performance standards.

Inmates participating in the inmate sign program shall:

(1) Participate in academic classes, "life skill" classes, and/or vocational training as directed;

(2) Perform assigned tasks satisfactorily, diligently and conscientiously;

(3) Perform their work and program assignments in a safe manner and according to the instructions of program staff;

(4) Cooperate with, and comply with instructions of, program staff, instructors, and other persons in charge;

(5) Comply with all sheriff imposed requirements for participation in the program;

(6) Comply with all applicable sheriff rules and regulations.

(Ord. 99-27 § 2).

1104-4.012 Removal of inmates from program.

The sheriff shall remove inmates from participation in the inmate sign program when any of the following occur:

(1) The inmate fails to meet any of the performance standards in Section 1104-4.010;

(2) The inmate violates any of the rules and regulations of the detention facility;

(3) The program ceases operations;

(4) The demand for signs declines significantly;

(5) The inmate's term in the program ends;

(6) The inmate is released from custody or transferred to another detention facility.

Inmates removed from participation in the inmate sign program may file an inmate grievance concerning the removal.

(Ord. 99-27 § 2).

1104-4.014 Sign prices.

The sheriff shall set the prices of signs at reasonable amounts, taking into consideration the funds needed to reimburse the inmate welfare fund and to offset the costs of the program.

(Ord. 99-27 § 2).

Division 1108 PURCHASING, LEASING AND UNCLAIMED PROPERTY

Chapter 1108-2 PURCHASING

Article 1108-2.2. Purchasing Agent

1108-2.202 Purchasing agent—Office established.

Under Sections 25500 and following of the Government Code of the state, the office of purchasing agent is established.

(Prior code § 2500: Ord. 1212).

1108-2.204 Purchasing agent—General duties.

The purchasing agent shall have the duties and powers prescribed by laws of the state relating to county purchasing agents, by this chapter and by resolutions of the board of supervisors. ~~He~~ The purchasing agent shall be the head of the purchasing department of the county and shall appoint the deputies, assistants and other employees that from time to time shall be authorized in the current salary regulations of the county. ~~He~~ The purchasing agent shall give the board of supervisors and designated departments reports and information which the board from time to time may require. ~~He~~ The purchasing agent shall establish methods and procedures for the functioning of the purchasing department in an effective and economical manner.

(Prior code § 2501: Ord. 1212).

1108-2.206 Purchasing agent—Purchases.

(a) County. ~~He~~ The purchasing agent shall purchase for the county and its offices all materials, supplies, furnishings, equipment, livestock and other personal property of whatever kind and nature.

(b) Schools and Others. ~~He~~ The purchasing agent shall, when authorized, make purchases for the county superintendent of schools or other public officials and agencies.

(c) Except in cases of emergency (Section 1108-2.220), or in cases where the board otherwise provides, no purchase of personal property by any person other than the purchasing agent shall bind the county or constitute a lawful charge against county funds.

(Ord. 71-101 § 1 (part), 1971: Ord. 69-75 § 1, 1969: Ord. 1960: prior code § 2502: Ord. 1212).

1108-2.208 Purchasing agent—Rental of equipment.

~~He~~ The purchasing agent shall rent for the county and its offices, furnishings, livestock and equipment including road equipment for the road commissioner pursuant to Streets and Highways Code Section 2009.

(Ord. 71-101 § 1 (part), 1971: Ord. 69-75 § 1, 1969: prior code § 2502.1: Ord. 1212).

1108-2.210 Purchasing agent—Equipment service contracts.

~~He~~ The purchasing agent shall negotiate and execute in the name of the county all equipment service contracts and lease-purchase agreements concerning personal property.

(Ord. 71-101 § 1 (part), 1971: Ord. 69-75 § 1, 1969: prior code § 2502.2: Ord. 1212).

1108-2.212 Purchasing agent—Sales and trade-ins.

(a) ~~He~~ The purchasing agent shall sell any personal property belonging to the county and found by the board not to be further required for public use. ~~He~~ The purchasing agent may, when purchasing personal property, accept advantageous trade-in allowances or exchanges.

(b) When specifically authorized by law, ~~he~~ the purchasing agent may sell or dispose of personal property of any special district, and, if an exchange or trade is made, return the proceeds to the special district.

(Ord. 71-101 § 1 (part), 1971: Ord. 69-75 § 1, 1969: prior code § 2502.3: Ord. 1212).

1108-2.214 Independent contractors.

(a) General. ~~He~~ The purchasing agent shall engage contractors to perform services for the county and its offices, with or without the furnishing of material, where the aggregate cost does not exceed the amount authorized in Government Code Section 25502.5 from time to time.

(b) Exceptions. This section does not apply to any of the following:

(1) Printing legal briefs or legal notices.

(2) Phonographic reporters services or transcripts.

(3) Special expert services for the county counsel's, district attorney's, public defender's, or sheriff's offices.

(4) Election supplies.

(5) Consultants and other experts employed directly by the board.

(6) Other services that by law some other officer or body is specifically charged with obtaining.

(7) Road equipment rented by the purchasing agent pursuant to Section 1108-2.208.

(8) Contracts let by the purchasing agent pursuant to Public Contract Code Section 20394, 20394.5, or 22032(a).

(c) Discretion. The purchasing agent, at the purchasing agent's ~~his~~ discretion, may engage or assist with obtaining the services listed in subsection (b) when requested by the involved county office or department.

(Ords. 2000-30, 87-30 § 2, 84-68 § 1, 82-63, 82-51, 81-19 § 1, 71-101 § 1, 69-75 § 1: prior code § 2502.4, § 2502: Ord. 1212 § 3 [1958]: see also § 1108-2.215 and Gov. C. §§ 2502, 54201 ff).

(Ord. No. 2013-20, § II, 10-15-13)

1108-2.215 Purchasing agent—Service contracts.

The purchasing agent is authorized to contract for special services, within the monetary limit specified in Government Code Section 25502.5, on behalf of the county, any county officer or department, or any district of the county, but only to the extent permitted by Government Code Section 31000. This delegation is subject to Article 1108-2.4 and any regulations that the county administrator may promulgate.

(Ord. No. 2023-14, § 2, 7-11-23; Ords. 2008-07 § 2, 78-58 § 1, Gov. Code §§ 25502.5, 31000).

1108-2.216 Purchasing agent—Building repair, construction.

The purchasing agent may, pursuant to and restricted by Public Contract Code Section 22032(a) or any successor statute, as may be amended, let contracts or issue purchase orders for public projects, as defined in Public Contract Code Section 22002.

(Ord. 71-101 § 1 (part), 1971: Ord. 69-75 § 1, 1969: prior code § 2502.5: Ord. 1212).

(Ord. No. 2013-20, § III, 10-15-13)

1108-2.217 Legal services.

Notwithstanding any other provision of this division, prior to the purchasing agent, any county officer or department, or any district of the county entering any contract for legal services, the contract shall first be reviewed and approved in writing by the county counsel. This section does not apply to contracts entered by the district attorney or public defender for special expert criminal legal services authorized by law.

(Ord. 87-30 § 3).

1108-2.218 Purchasing agent—Other services.

~~He~~ The purchasing agent shall perform other services that the board may require from time to time.

(Ord. 71101 § 1 (part), 1971: Ord. 69-75 § 1, 1969: prior code § 2502.6: Ords. 1212).

1108-2.220 Purchasing agent—Emergency purchases.

Emergency purchases may be made by any person or official authorized to sign requisitions when the purchasing agent or any of ~~his~~the purchasing agent's assistants in the purchasing department who are authorized to make purchases are not immediately available and when the item or items purchased are immediately necessary for the continued operation of the office or department involved or are immediately necessary for the preservation of life or property. Emergency purchases shall be subsequently approved and confirmed by the purchasing agent; or, if ~~he~~ the purchasing agent refuses to confirm, the board of supervisors may subsequently approve and confirm the purchase by a four-fifths vote of the whole board. Unless purchases are approved and confirmed either by the purchasing agent or by the board of supervisors, the cost shall not constitute a legal charge against the county.

(Prior code § 2503; Ord. 1212).

1108-2.222 Authorization of certain purchases.

Except as otherwise required by ordinance or general law, the board of supervisors, by resolution, may authorize county departments and officers to purchase services, supplies, equipment, materials, goods and other personal property without utilizing the purchasing agent. Any such purchase may only be made as provided for by board resolution, any applicable county administrative bulletin and in accordance with current appropriated budget accounts by obtaining a warrant from the auditor-controller. As appropriate or necessary, the auditor-controller shall report to the county administrator on county officer and department purchasing done pursuant to this section.

(Ord. 90-115).

1108-2.224 Purchases by procurement card.

Except as otherwise required by ordinance or general law, the board of supervisors, by resolution, may authorize county departments and officers to purchase supplies, equipment, materials, goods and other personal property without using the purchasing agent if a procurement card authorized by the county general services department is used. Such purchases may only be made as provided for by board resolution, any applicable county administrative bulletin and in accordance with current appropriated budget accounts. As appropriate or necessary, the director of general services shall report to the county administrator on the purchasing done pursuant to this section.

(Ord. 97-45 § 2).

Article 1108-2.4. Procedure

1108-2.402 Procedure—Revolving fund.

There is established from the unappropriated funds of the county a revolving fund in an amount that the board of supervisors may establish from time to time by resolution. The fund shall be known as the purchasing department revolving fund. The purchasing agent may purchase supplies and materials in quantity for offices and departments of the county as needed, and ~~he~~ the purchasing agent shall make payments for them out of the revolving fund. As the supplies and materials are issued to an office or department, the fund shall be reimbursed from the budgeted funds of the requisitioning department.

(Prior code § 2504: Ord. 1212).

1108-2.404 Procedure—Generally.

Except for purchases from the revolving fund, all purchases, rentals, and contracts shall be made only on proper written requisitions, the forms of which shall be supplied by the purchasing agent to the offices of the county. The head of any county office, department, or institution, or the head's ~~his~~ duly designated assistant, is authorized to draw requisitions for purchases for the office, department, or institution in accordance with current budget accounts. The head may delegate this authority to one or more of the head's ~~his~~ deputies, assistants, or employees within the department by finding a written authorization with the purchasing agent and the auditor-controller.

(Prior code § 2505: Ord. 1212).

1108-2.406 Procedure—Competitive bids not required.

Except as otherwise provided by ordinance or general law, the purchasing agent may make any purchase of personal property or do any other thing authorized in this chapter without notice, advertisement, or the securing of competitive bids or quotations. However, if ~~he~~ the purchasing agent purchases any individual item (as distinct from the total contract) costing more than five thousand dollars without securing competitive bids or quotations, ~~he~~ the purchasing agent shall report this action to the county administrator with the purchasing agent's ~~his~~ reasons; if ~~he~~ the purchasing agent does call for competitive bids or quotations and accepts any bid or quotation other than the lowest on any individual item costing more than five hundred dollars, ~~he~~ the purchasing agent shall report that fact to the county administrator.

(Prior code § 2506: Ord. 1212).

1108-2.407 Procedure—Local bid preference.

(a) Except as otherwise provided in this section, whenever the purchasing agent purchases supplies, materials and/or equipment in an amount in excess of twenty-five thousand dollars for the County through the use of competitive bids, the purchasing agent in evaluating the bid or price for these supplies, materials and/or equipment will determine if the lowest responsible vendor is a local vendor as defined in this section and, if so, the contract will be awarded to the local vendor. If the low bid is not a local vendor, any responsive local vendor who submitted a bid that was within seven percent of the lowest responsive bid as determined by the purchasing agent will have the option of submitting a new bid within forty-eight hours (not including weekends or holidays) of the County's delivery of notification. Any new bids must be in an amount less than or equal to the lowest responsive bid as determined by the purchasing agent. If the purchasing agent receives any new bids from local vendors, the purchasing agent will award the contract to the local vendor submitting the lowest responsible bid. If no new bids are received, the contract will be awarded to the original low bidder as announced by the purchasing agent.

(b) For purposes of this procedure, a "local vendor" means any person or business that:

(1) Has its principal place of business located in Contra Costa County for at least six months immediately before the purchasing agent issues the request for competitive bids; and

(2) Has a business license, if required, issued by Contra Costa County or a jurisdiction located in Contra Costa County.

(c) Any vendor claiming to be a local vendor, as defined above, must submit with its bid a statement containing relevant information that demonstrates its status as a local vendor. This statement must be on a form available from the County purchasing agent and must be signed under penalty of perjury. The purchasing agent is not required to verify the accuracy of these statements, and has sole discretion to determine if a vendor meets the definition of a local vendor.

(d) Any person or business falsely claiming to be a local vendor under this section will be ineligible to conduct business with Contra Costa County for a period of not less than three months and not more than twenty-four months as determined in the sole discretion of the purchasing agent. The purchasing agent also has the right to terminate all or part of any contract entered into with any of these persons or businesses.

(e) This section does not apply to contracts required by state or federal statutes or regulations to be awarded to the lowest responsible bidder, contracts funded in whole or part by the federal government, or contracts otherwise exempted from local preference.

(Ord. No. 2023-21, § 2, 12-12-23; Ords. 2023-21 § 2, 2005-29 § 2).

1108-2.408 Procedure—Posting notices of sales.

Notice of sale of surplus personal property shall be posted for not less than five business days before the day of sale in the County Court House, in the office of the purchasing agent, and in another public place within the county that the purchasing agent may deem advisable.

(Prior code § 2507: Ord. 1212).

1108-2.410 Procedure—Advertising proposed sale.

In the disposition of any surplus personal property and on approval of the board of supervisors, the purchasing agent may purchase advertising space and may advertise the proposed sale or other disposition of the personal property in the newspapers, magazines, and other periodicals that in ~~his~~ the purchasing agent's judgment will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Within the limitation of the order of the board of supervisors approving the advertising, the purchasing agent shall decide the amount, nature, makeup, and content of the advertising.

(Prior code § 2508: Ord. 1212).

1108-2.412 Surplus pool.

Whenever any item of personal property is no longer needed by the office, department, or institution in possession of it, this fact shall be reported to the auditor-controller and the facilities management division of the general services department, who may transfer the item to a surplus pool to be maintained under the supervision of the general services department. Whenever any office, department, or institution needs an item which has been placed in the surplus pool or has requisitioned the purchase of a similar item, the purchasing agent may request transfer of the item to the department on a properly drawn request for transfer or requisition approval by the county administrator.

(Ord. 91-14, prior code § 2509, Ord. 1212).

1108-2.414 Procedure—Standards committee.

The board of supervisors shall organize a standards committee to establish and maintain standards of type, design, quality, or brand of a certain article or group of related articles or services purchased by the county. The county administrator shall be chairperson ~~chairman~~ of this committee, and other members that may be deemed necessary shall be appointed from time to time.

(Prior code § 2510: Ord. 1212).

Chapter 1108-3 INFORMAL BIDDING PROCEDURES

1108-3.202 Definitions.

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

(1) "Commission" means the California Uniform Construction Cost Accounting Commission.

(2) "Department" means the public works department or the county administrator's office, whichever one is soliciting bids for a particular public project.

(3) "Public project" means a project involving any of the work defined in Public Contract Code Section 22002.

(Ord. 93-60; for special districts see Ords. 93-61 through 93-72).

(Ord. No. 2013-20, § IV, 10-15-13)

1108-3.204 Notice inviting informal bids.

For public projects with an estimated cost equal to or less than the maximum amount specified in Public Contract Code Section 22032(b) or any successor statute, as may be amended, the department may use informal bidding by mailing a notice inviting informal bids to all contractors for the category of work being bid, as shown on the list maintained under Section 1108-3.206, or to all construction trade journals specified in Public Contract Code Section 22036, or to both all contractors on the list for the category of work being bid and all construction trade journals specified in Section 22036. Notice may be sent to additional contractors or construction trade journals at the discretion of the department. If there is no list of qualified contractors maintained by the department for the particular category of work to be performed, the notice inviting informal bids need only be sent to the construction trade journals specified by the commission.

(Ords. 2004-23 § 2, 2004-15 § 2, 93-60).

(Ord. No. 2013-20, § IV, 10-15-13)

1108-3.206 Contractors' list.

For purposes of inviting informal bids, the public works director shall develop and maintain a list of qualified contractors, identified according to categories of work, in accordance with the criteria promulgated from time to time by the commission.

(Ord. 93-60).

(Ord. No. 2013-20, § IV, 10-15-13)

1108-3.208 Award of informal contracts.

Pursuant to Public Contract Code Section 22034, the authority to award informal contracts for those public projects up to the maximum amount specified in Public Contract Code Section 22032(b) or any successor statute, as may be amended, is delegated to the public works director and the county administrator to be exercised in accordance with all applicable laws and county policies.

(Ords. 2004-23 § 3, 2004-15 § 3, 93-60).

(Ord. No. 2013-20, § IV, 10-15-13)

1108-3.210 Exempt projects.

The procedures set forth in this chapter shall not apply in any of the following situations:

(1) When a public project qualifies as an emergency under Public Contract Code Section 20134(a), 20395, or 22050, or other statutory authority.

(2) When a public project is otherwise exempt from bidding requirements under Chapter 1108-2; Public Contract Code Section 20394, 20395, or 22032(a); or other statutory authority.

(3) When alternative procedures are available under Public Contract Code Section 22031 or other statutory authority, and the county elects to use these alternative procedures.

(Ord. 93-60).

(Ord. No. 2013-20, § IV, 10-15-13)

Chapter 1108-4 UNCLAIMED PROPERTY

1108-4.002 Disposition.

Except as otherwise provided by state or federal laws, and pursuant to the provisions of California Civil Code Section 2080.4, the provisions of this chapter shall apply to the care, restitution, sale or destruction of unclaimed property.

(Ord. 68-15 § 2 (part), 1968: prior code § 2671.1).

1108-4.006 Claims by finder.

Property received by the sheriff from a person who has found or saved it and who has complied with the provisions of Civil Code Section 2080.1 may be claimed by such finder if no owner has appeared and proved ownership within ninety days. Such claim shall be made no later than ten days after the expiration of the ninety-day period. Upon satisfactory proof that the finder has published, after the expiration of the ninety-day period, a notice of the found property in a newspaper of general circulation published in this county, and upon payment of reasonable storage costs, the sheriff shall, if the property remains unclaimed by the owner for an additional ten days from the date of publication of the notice, transfer the property to the finder. This section shall not apply to property found in the course of employment by an employee of any public agency.

(Ord. 68-15, § 2 (part), 1968; prior code § 2671.3).

1108-4.008 Storage, notice, auction.

The sheriff shall store and provide for the care, restitution, sale, or destruction of personal property coming into ~~his~~ the sheriff's possession and unclaimed by the owner, pursuant to this chapter and California Civil Code Sections 2080 and following.

(Ords. 83-64, § 3, 68-15 § 2; 11084.004: prior code §§ 2671.2, 2671.4: Ord. 983).

1108-4.010 Disposition of unsold, perishable or dangerous property.

Any unclaimed property for which no bids were received at public auction, perishable goods, property which is dangerous in itself, and property which is contrary to public policy for the sheriff to retain shall be disposed of in the manner that the sheriff in the public interest may determine. This chapter shall not apply to property subject to confiscation or special disposition under state or federal law.

(Ord. 68-15 § 2 (part), 1968: prior code § 2671.5).

1108-4.012 Disposal of deadly weapons.

Any unclaimed pistol, revolver, or other firearm capable of being concealed upon the person, which has been stored by the sheriff pursuant to Section 1108-4.008, shall be disposed of in the manner that the sheriff in the public interest may determine.

(Ord. 68-15 § 2 (part), 1968: prior code § 2671.6).

1108-4.014 Disposition of toys and bicycles.

Toys and bicycles in the possession of the sheriff, which have been unclaimed for a period of at least three months, instead of being sold at public auction to the highest bidder, pursuant to the provisions of Section 1108-4.008, may be turned over to the county probation officer for use by the county probation officer~~him~~ in any program of activities designed to prevent juvenile delinquency in accordance with Welfare and Institutions Code § 516.

(Ord. 68-15 § 2 (part), 1968: prior code § 2671.7).

Chapter 1108-6 ALTERNATE LEASING PROCEDURE

Sections:

1108-6.002 Resolution of intention.

(a) Except as otherwise provided in this chapter, before ordering the lease of any real property belonging to the county, the board of supervisors shall, in a regular open meeting by a two-thirds vote of all its members, adopt a resolution declaring its intention so to lease and calling for bids thereon.

(b) The resolution shall:

(1) Describe the property sufficiently to identify it;

(2) Specify either the terms of the lease including minimum rent, or refer to a proposed form of lease filed in its clerk's office containing this information; and

(3) Fix a time (at least three weeks thereafter) for a public meeting of the board at its regular place of meeting, for receipt and consideration of sealed proposals for the lease.

(Ord. 69-80 § 1 (part), 1969).

1108-6.004 Notice.

(a) Notice for the resolution and meeting shall be given by posting certified copies of the resolutions in at least three public places in the county for at least fifteen days before the meeting's date and by publishing notice of the call for bids for at least two weeks in a newspaper of general circulation published in the county.

(b) Notice shall also be mailed or delivered at least fifteen days prior to accepting offers to lease pursuant to this section to any person who has filed a written request for notice with either the clerk of the board or with any other person designated by the board to receive these requests.

(c) The notice required by this section shall describe the property proposed to be leased, the term of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed and any county officer authorized to execute the lease.

(Ords. 96-46, 69-80 § 1 (part) 1969: see Gov. C. § 25537).

1108-6.006 Written and oral bids.

At the time and place fixed, in open session, the board shall open and examine all sealed written proposals, and declare those which are from responsible bidders and which conform to the terms and conditions in the resolution. The board shall then call for similar oral bids exceeding by at least five percent in rent the highest such written proposal.

(Ord. 69-80 § 1 (part), 1969).

1108-6.008 Final acceptance or rejection.

At the same meeting or at any adjourned session thereof, the board shall consider all such proposals and bids, and shall by resolution either accept the highest such one or reject them all and withdraw the property from lease.

(Ord. 69-80 § 1 (part), 1969).

1108-6.010 Execution of lease authorized by resolution.

Any board resolution accepting any bid authorizes and directs the chairperson ~~chairman~~ or the members thereof, to execute a lease and to deliver it upon lessee's performance of and compliance with all the terms or conditions of the lessee's~~his~~ contract to be performed concurrently therewith.

(Ord. 69-80 § 1 (part), 1969).

1108-6.012 Exclusion from bidding procedure.

(a) Any proposed lease of not more than five years, nonrenewable duration, and having an actual monthly rental not exceeding one thousand dollars is excluded from the bidding procedure required by this chapter except that notice shall be given pursuant to Government Code Section 6061, posted in the office of the county clerk and, if the lease involves residential property, notice shall be given to the housing sponsors as defined by Sections 50074 and 50074.5 of the Health and Safety Code.

(b) The notice required by this section shall describe the property proposed to be leased, the term of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed and any county officer authorized to execute the lease.

(Ords. 96-46, 83-35, 69-80: see Gov. C. § 25537.)

1108-6.014 Exceptions.

This chapter provides an alternative leasing procedure only for real property which otherwise must be leased in accordance with Government Code Sections 25526 to 25535; and it does not apply to real property leased pursuant to Streets and Highways Code Section 960.4 or Government Code Section 25536.

(Ord. 69-80 § 1 (part), 1969).

Chapter 1108-8 ALTERNATIVE REAL PROPERTY PURCHASE AND ACCEPTANCE PROCEDURE

Sections:

1108-8.002 Authority of public works director.

(a) The board of supervisors authorizes the public works director or the public works director's~~his or her~~ designated deputy to perform all acts necessary to approve and accept for the county the acquisition of any interest in real property where the purchase price for the real property interest does not exceed one hundred thousand dollars.

(b) The acquisition of any interest in real property pursuant to subsection (a) of this section will be in accordance with the following procedures and requirements:

(1) The public works director shall comply with all applicable laws and regulations pertaining to the property acquisition, including purchase offer and environmental assessment requirements.

(2) Funding for the real property acquisition is appropriated and available.

(3) The public works director shall report semi-annually to the board of supervisors on each acquisition done pursuant to this section, including the interest acquired, its price, and the necessity for the purchase.

(c) The authority granted by this section expires January 1, 2025, unless renewed by the board of supervisors.

(Ord. 94-25 § 2: Gov. C., § 25350.60).

(Ord. No. 2019-35, § II, 12-17-19; Ord. No. 2014-18, § II, 12-16-14; Ord. No. 2009-35, § II, 12-8-09)

1108-8.004 Recording real property interest.

For purposes of this chapter, if the real property interest to be accepted is in the form of a recordable document, the public works director or the public works director's~~his or her~~ designated deputy shall accept the real property interest for recordation pursuant to California Government Code Section 27281 and shall promptly file such real property interest with the county recorder for recording.

(Ord. 94-25 § 2: Gov. C., § 25350.60).

Chapter 1108-10 DELEGATION OF REAL PROPERTY LEASING AND LICENSING AUTHORITY[1]

1108-10.002 Leasing and licensing authority delegated to county officers.

The board of supervisors authorizes the following county officers to contract for the use of real property under the following conditions.

(a) The public works director may lease real property for use by the county or obtain the use of real property for the county by license, as long as the term of the lease or license does not exceed five years and the rental under the lease or license does not exceed seven thousand five hundred dollars per month.

(b) The public works director may amend real property leases or licenses to permit improvements or alterations, or both, under the following conditions:

(1) The total cost under an amendment may not exceed seven thousand five hundred dollars;

(2) An amendment may not extend the term of the lease or license; and

(3) No more than two amendments, not to exceed seven thousand five hundred dollars each, are made within a twelve-month period.

(c) The elections official may contract for the use of real property for use as a polling place for any election by license or use agreement.

(Ord. No. 2015-09, § II, 5-12-15)

1108-10.004 Procedures and requirements.

(a) The execution of a lease or license under this chapter by an authorized county officer will be in accordance with the following procedures and requirements:

(1) The authorized county officer will comply with all applicable laws and regulations pertaining to the lease or license, including environmental assessment requirements.

(2) Funding for the lease or license is appropriated and available.

(3) The authorized county officer will report semi-annually to the board of supervisors on each lease or license executed under this chapter, including its price and the necessity for the lease or license.

(4) Such other procedures or requirements as the board of supervisors may adopt by resolution.

(b) This chapter does not authorize any county officer to bind the county to contractual indemnity or other discretionary liability without approval of the board of supervisors.

---

[1]Editor's note(s)—Ord. No. 2015-09, § II, adopted May 12, 2015, amended ch. 1108-10, §§ 1108-10.002, 1108-10.004, in its entirety to read as set out herein. Former ch. 1108-10 pertained to delegation of leasing authority and was derived from Gov. Code, § 25350.51 and Ord. No. 2014-18, § III, adopted December 16, 2014.

(c) Notice of intention to consummate a lease or license pursuant to this chapter shall be posted in a public place for five working days prior to consummation of the lease or license. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, and the county officer authorized to execute the lease or license.

(Ord. No. 2015-09, § II, 5-12-15)

Division 1110 COUNTY PARKS AND PROPERTY

Chapter 1110-2 USE RESTRICTIONS

Article 1110-2.2. Definitions

1110-2.202 Generally.

Unless otherwise specially provided or required by the context, the following terms have the indicated meanings in this chapter

(Ords. 2001-02 § 3, 79-70 § 2).

1110-2.204 Public works director.

"Public works director" means the county public works director and includes any duly authorized subordinate.

(Ords. 2001-02 § 3, 79-70 §2).

1110-2.206 Signposted park.

A "signposted park" is an area which is maintained as a county public park and which is marked, pursuant to an order of the board, with signs at all its entrances and exits and at intervals of not more than one mile around its perimeter, indicating that this chapter prohibits within the park area the conduct or activity specified on the signs. The term "signposted park" includes a trail, maintained by the county as a public trail, and which is marked, pursuant to an order of the board, with signs at all staging areas for the trail, and at intervals determined by the board to be reasonably calculated to give notice, indicating that this chapter prohibits on the trail, the conduct or activity specified on the signs.

(Ords. 2001-02 § 3, 79-70 § 2, § 46-4.012(a), Ord. 71-92: prior code § 3414(a)).

1110-2.208 Signposted property.

"Signposted property" is property other than a signposted park, defined in Section 1110-2.206, owned or maintained by the county, including, but not limited to, county library property, and which is marked, pursuant to an order of the board, with signs at all of its entrances and exits, and if appropriate, around the property's perimeter at intervals determined by the board to be reasonably calculated to give notice, indicating that this chapter prohibits within the property area, the conduct or activity specified on the signs.

(Ords. 2001-02 § 3).

Article 1110-2.4. Motor Vehicles

1110-2.402 Prohibitions.

No person shall operate a motor vehicle, as defined in Vehicle Code Section 415, in a signposted park.

(Ords. 2001-02 § 3, 79-70 § 2, § 46-4.012(a), Ord, 71-42 § 1: prior code § 3414(a)).

1110-2.404 Exceptions.

This article does not apply to the operation of:

(1) Any motor vehicle with the written permission of the public works director;

(2) Any authorized emergency or maintenance vehicle whenever necessary in furtherance of the purpose for which the vehicle has been classed as an authorized maintenance or emergency vehicle; and

(3) Any motor vehicle upon roadways improved, designed or ordinarily used for motor vehicular travel.

(Ords. 2001-02 § 3, 79-70 §2, § 46-4.012(b), Ord. 71-92 § 1: prior code § 3414(b)).

Article 1110-2.6. Alcoholic Beverages

1110-2.602 Use Prohibited

No person shall drink any alcoholic beverage in a signposted park or on signposted property. (Ords. 2001-02 § 3, 80-25).

1110-2.604 Exceptions.

This article does not apply when:

(1) The sale or service for drinking has been approved and licensed by the appropriate state agency; or

(2) Written county permission has been applied for and obtained from the public works director at least forty-eight hours before such consumption.

(2001-02 § 3,80-25; B.&P.C, § 25620).

Article 1110-2.7. Drug-Free Zones

1110-2.702 Drug-free zones.

All signposted parks and library property in the unincorporated areas of Contra Costa County are designated as "drug-free zones" pursuant to Health and Safety Code Section 11380.5(e)(1) and shall be posted pursuant to Health and Safety Code Section 11380.5(e)(2).

(Ords. 2001-02 § 3, 95-54 §2).

Article 1110-2.8. Hours of Use

1110-2.802 Prohibition.

No person shall remain in a signposted park or on signposted property at any time between the hours of ten p.m. and six a.m.

(Ords. 2001-02 § 3, 83-19 § 1, 79-70 §2).

Article 1110-2.10. Permits for Groups, Sports Leagues

1110-2.1002 Permit required.

Groups of twenty or more persons and organized sports leagues may use a signposted park only pursuant to a permit issued by the public works director.

(Ords. 2001-02 § 3,2000-01 §2).

1110-2.1004 Public works director.

The public works director is authorized to develop terms and conditions for the issuance of permits for the use of a signposted park.

(Ords. 2001-02 § 3, 2000-01 § 2).