# TRINIDAD
# MUNICIPAL CODE

## 1990

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

Codified, Indexed and Published by

BOOK PUBLISHING COMPANY

201 Westlake Avenue North
Seattle, Washington 98109

# PREFACE

The Trinidad Municipal Code is a codification of the general and permanent ordinances of the city of Trinidad, Califorina. The ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of David Tranberg, city attorney. This volume covers ordinances through Ordinance 90-204, passed January 31, 1990.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 5.12.050 is Section .050, located in Chapter .12 of Title 5. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

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

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# Title 1

# GENERAL PROVISIONS

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## Chapter 1.01

## CODE ADOPTION

(RESERVED)

# Chapter 1.04

## GENERAL PROVISIONS*

Sections:

1.04.010 Definitions.
1.04.020 Title of office.
1.04.030 Interpretation of language.
1.04.040 Grammatical interpretation.
1.04.050 Acts by agents.
1.04.060 Prohibited acts include causing and permitting.
1.04.070 Computation of time.
1.04.080 Construction.
1.04.090 Severability.

1.04.010 Definitions. The following words or phrases, whenever used in the ordinances of the city of Trinidad, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

"City" or "town" each mean the city of Trinidad or the area within the the territorial limits of the city of Trinidad, and such territory outside the city of Trinidad over which the city of Trinidad has jurisdiction or control by virtue of any constitutional or statutory provision.

"Council" means the city council of the city of Trinidad. "All its members" or "all councilmen" means the total number of councilmen holding office.

"County" means the county of Humboldt.

"Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Trinidad, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

"May" is permissive.

"Month" means a calendar month.

"Must" and "shall" are each mandatory.

"Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" or "sworn" shall be equivalent to the words "affirm" and "affirmed."

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

* Prior ordinance history: §§1--5 of Ord. 101.

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

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

"Preceding" and "following" means next before and next after, respectively.

"Property" includes real and personal property.

"Real property" includes lands, tenements and hereditaments.

"Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

"State" means the state of California.

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

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

"Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

"Year" means a calendar year. (Ord. 90-204 §3(A)(part), 1990)

1.04.020 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 90-204 §3(A)(part), 1990)

1.04.030 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 90-204 §3(A)(part), 1990)

1.04.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine, and neuter.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 90-204 §3(A)(part), 1990)

1.04.050 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 90-204 §3(A)(part), 1990)

1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the city, any act or ommission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or ommission. (Ord. 90-204 §3(A)(part), 1990)

1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 90-204 §3(A)(part), 1990)

1.04.080 Construction. The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 90-204 §3(A)(part), 1990)

1.04.090 Severability. Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 90-204 §3(A)(part), 1990)

## Chapter 1.08

## GENERAL PENALTY

Sections:

1.08.010 Violation--Penalty.

1.08.010 Violation--Penalty. A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city, shall be guilty of a misdemeanor, unless the violation is made an infraction by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by

both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the city, is punishable by:

1. A fine not exceeding one hundred dollars for the first violation;

2. A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year;

3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he shall be punishable accordingly. (Ord. 90-204 §3(B), 1990)

# Title 2

## ADMINISTRATION AND PERSONNEL

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2.04 City Council
2.08 Officers' Salaries
2.12 Officers' Bonds
2.16 Conflict of Interest Code
2.20 Planning Commission
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2.32 Administrative Fees and Charges
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## Chapter 2.04

## CITY COUNCIL

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ORDINANCE NO. 2000-02

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF TRINIDAD
AMENDING THE TRINIDAD MUNICIPAL CODE

TITLE 2, ADMINISTRATION AND PERSONNEL
CHAPTER 2.04, CITY COUNCIL

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

Section 1: Title 2, Administration and Personnel, Chapter 2.04, City Council, Section 2.04.070, Order of Business, is hereby amended as indicated by the following redline and strikethrough:

2.04.070 Order of Business. All meetings of the Council shall be open to public. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Clerk, the Mayor and, when advisable, the City Attorney shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in an order as established by resolution of the Council.

Section 2: This ordinance will take effect thirty (30) days after the date of its adoption.

Dated: September 13, 2000

ATTEST:

City Clerk, City of Trinidad

APPROVED:

Mayor, City of Trinidad

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2000-02, passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California, on the 13th day of September, 2000, by the following vote:

AYES: Huff, Heyenga, Lin, Deason

NOES: None

ABSENT: Twoomey

City Clerk, City of Trinidad

*TRINIDAD CITY HALL*
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

*Chi-Wei Lin, Mayor*
*Gabriel Adams, City Clerk*

## RESOLUTION 2007-05

## RESOLUTION OF THE TRINIDAD CITY COUNCIL TO ESTABLISH NEW DATES AND STARTING TIME FOR REGULAR CITY COUNCIL MEETINGS

**WHEREAS,** the regular City Council meetings are occasions where the Council conducts its official business, and public participation in these meetings is an essential element of our democratic system and a good governmental practice; and

**WHEREAS,** meeting dates that are easy to remember and time that is convenient to the public will promote a greater participation in this process and enhance democracy; and

**WHEREAS,** the current Trinidad City Council regular meetings are held on the second Wednesday and the fourth Tuesday of the month, and the meetings begin at 7:30 PM, such date schedule has caused confusions by residents and the late starting time resulted in meetings ending in late hours, all of which hinder public participation in the City Council meetings.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council hereby establishes that effective April 1, 2007, regular City Council meetings shall be held on every second and fourth Wednesday of the month and all the regular City Council meetings shall begin at 7:00 PM.

**PASSES AND ADOPTED** by the Council of the City of Trinidad this 14th day of March, 2007, by the following vote:

| | |
|---|---|
| **AYES**: | Binnie, Lin, Fulkerson, Bhardwaj |
| **NAYS**: | None |
| **ABSENT**: | Miller |
| **ABSTAIN**: | None |

Attest:

**Gabriel Adams**
Trinidad City Clerk

**Chi-Wei Lin**
Mayor, City of Trinidad

*TRINIDAD CITY HALL*
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

*Chi-Wei Lin, Mayor*
*Gabriel Adams, City Clerk*

# ORDINANCE NO. 2007-02

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING SECTION 2.04.010 OF THE TRINIDAD MUNICIPAL CODE

The City Council of the City of Trinidad does hereby ordain as follows:

**Section 1**: Section 2.04.010 of the Trinidad Municipal Code is hereby amended to read as follows:

**2.04.010 Regular Meetings**. A. Time. The city council shall hold regular meetings on dates and time as established by resolutions.

**Effective Date**
This ordinance shall become effective thirty (30) days after the date of its enactment.

**PASSED, APPROVED, AND ADOPTED** on this 23rd day of January, 2007, by the following vote:

**Ayes:**
**Noes:**
**Absent:**
**Abstain:**

**Attest:**

**Gabriel Adams**
Trinidad City Clerk

**Chi-Wei Lin**
Mayor

**First Reading**: January 10, 2007

**Second Reading:** January 23, 2007

*TRINIDAD CITY HALL*
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

*Chi-Wei Lin, Mayor*
*Gabriel Adams, City Clerk*

# RESOLUTION 2007-01

## POLICIES AND PROCEDURES RELATING TO CITY COUNCIL MEETING AGENDA AND PROCEDURES

**WHEREAS**, the agenda provides the framework within which a City Council meeting is conducted; and

**WHEREAS**, clearly defined meeting procedures will allow for efficient City Council meetings with fair public discussion.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Trinidad hereby establishes the following policies and procedures for:
A. Preparing an agenda for a Council meeting;
B. Procedures during a Council meeting.

**Section A. Agenda Preparation and Submission**

1. **Deadline**:

   Items proposed for a Council meeting agenda, including all supporting materials, must be submitted by the close of business five working days before the Council meeting. This deadline will be strictly enforced. In case of an emergency, an urgent item may be added to the agenda after the deadline upon obtaining an approval from the mayor.

2. **Proponent**:

   A City Council member, a City staff person, or a member of the public may submit items proposed for an agenda. A Council member must "sponsor" a staff or a public requested item and is responsible for following the established format to provide the necessary materials by the deadlines.

3. **Limitation of the number of items**:

   For regular Council meetings, each Council member may submit two agenda items, including any sponsored items. The total number of items per meeting should be limited to eight. When the submitted items are over the limit, the mayor may consult with council members to remove or postpone items.

4. **Agenda Item Request Format**:

   Items submitted must follow the format below and contain the information specified. Incomplete information or insufficient background information may delay the inclusion of the item in an agenda.

   1. Name of Councilmember/ and name of staff or public, where applicable
   2. Proposed meeting date
   3. Type of agenda item: specify CONSENT, REGULAR, or DISCUSSION/INFORMATION item.
   4. Title of the proposed agenda item
   5. Estimated time needed for the presentation of the item.

6. Description: a short paragraph (about 20 words) briefly describing the subject matter. This description will be listed on the posted meeting announcement.
7. Background: Adequate background information and reasons for council to take action or make a decision should be provided. Any supporting documents or clear background information should be attached.
8. Draft motion (for REGULAR agenda item): the draft wording must be specific and precise to define the actions that the Council will be considering.
9. Staff Recommendation: (opinions) of relevant professional consultants or City staff whose work will be impacted by the proposed Council action.
10. Fiscal Impact to the City and source of funding.
11. Level of urgency and reason why the item must be considered at the early part of the meeting.

**5. Order of items on the agenda:**

The Mayor will work with the City Clerk to determine the order of items on the agenda. The Mayor will have the final approval of the agenda before it is posted. In setting the order of the agenda, the following criteria will be used:

a. Requiring presentation or input by the City professional consultant(s).
b. Presentations by people traveling to Trinidad.
c. Presentations by organizations or community groups.
d. Items, where proposed actions must meet a deadline before the next regular meeting.
e. Perceived level of urgency and/or public interest.

**6. Consent Agenda:**

The consent Agenda will contain routine administrative matters that require Council approval. All items will be handled by one motion without discussion. Consent agenda items may be moved to the Regular Agenda by majority vote of the Council during the Approval of the Agenda.

**7. Items for Information or Discussion Only:**

Items that provide information to the Council, or for discussion by the Council without making decisions, may be included in the Agenda. These types of items do not require a draft motion.

**PASSED, APPROVED & ADOPTED** on this 19th day of December, 2006 by the following vote:

| | |
|---|---|
| AYES: | Miller, Binnie, Lin, Heyenga, Bhardwaj |
| NAYS: | None |
| ABSENT: | None |
| ABSTAIN: | None |

**Attest:**

**Gabriel Adams**
Trinidad City Clerk

**Chi-Wei Lin**
Mayor

# ORDINANCE NO. 2004 - 03

## AN ORDINANCE OF THE TRINIDAD CITY COUNCIL AMENDING SECTIONS OF THE TRINIDAD MUNICIPAL CODE RELATED TO REGULAR COUNCIL MEETINGS

The Trinidad City Council does hereby ordain as follows:

SECTION 1.

Section 2.04.010 of the Trinidad Municipal Code is amended to read as follows:

**2.04.010 Regular meetings.** A. Time. The Council shall hold two regular meetings each month. The first meeting will be held on the second Wednesday and the second meeting on the fourth Tuesday of each and every month at the hour of seven thirty p.m.; provided however, that when the day fixed for any regular meeting of the Council falls upon a date designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. Closed sessions, when needed, will precede the regular meeting.

SECTION 2

Section 2.04.070 of the Trinidad Municipal Code is amended to read as follows:

**2.04.070 Order of business.** All regular meetings of the Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the Mayor, and any staff required shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition.

The business of the Council for the first regular meeting of the month shall be in the following order:

I. Call to Order/Roll Call
II. Pledge of Allegiance
III. Adjournment to Closed Session
IV. Reconvene to Open Session
V. Approval of Agenda
VI. Approval of Minutes
VII. Commissioners reports
VIII. Staff Reports
IX. Items from the Floor
X. Consent Agenda
XI. Agenda Items
XII. Council Request for Future Agenda Items
XIII. Adjournment

(Ordinance continued on the following page)

The business of the second regular meeting of the month shall be in the following order:

I. Call to Order/Roll Call
II. Pledge of Allegiance
III. Adjournment to Closed Session
IV. Reconvene to Open Session
V. Approval of Agenda
VI. Items from the Floor
VII. Consent Agenda
VIII. Agenda Items
IX. Council Request for Future Agenda Items
X. Adjournment

SECTION 3. This ordinance shall become effective ten (10) days after its passage.

**PASSED APPROVED AND ADOPTED** by the Trinidad City Council, County of Humboldt, state of California on the 9th day of June, 2004 by the following vote:

AYES: Marlow, Bowman, Heyenga, Lin, Morales
NOES: None
ABSTAIN: None
ABSENT: None

**Attest:**

**Gabriel Adams**
Trinidad City Clerk

**Dean Heyenga**
Mayor

ORDINANCE NO. 98-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING VARIOUS SECTIONS OF THE TRINIDAD MUNICIPAL CODE

The City Council of the City of Trinidad does hereby ordain as follows:

SECTION 1.

Section 2.04.010 of the Trinidad Municipal Code is amended to read as follows:

2.04.010 Regular meetings. A. Time. The City Council shall hold regular meetings on the second Wednesday of each and every month at the hour of seven thirty p.m.; provided however, that when the day fixed for any regular meeting of the Council falls upon a date designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. Closed sessions will begin at six thirty p.m.

SECTION 2.

Section 2.4.070 of the Trinidad Municipal Code is amended to read as follows:

2.04.070 Order of business. All meetings of the Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Clerk, the Mayor and, when advisable, the City Attorney shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

A. Call to Order
B. Pledge of Allegiance
C. Adjournment to Executive Session
D. Approval of Minutes
E. Commissioners Reports
F. Staff Report
G. Items from the Floor
H. Consent Agenda Items
I. Agenda Items
J. Adjournment

SECTION 3.

Sections 2.12.010, 2.12.020 and 2.12.030 are each amended to read as follows:

2.12.010 Clerk. The amount of the official bond of the City Clerk of the City is fixed at the sum of One Hundred Thousand Dollars ($100,000.00).

2.12.020 Treasurer. The amount of the official bond of the City Treasurer of the City is fixed at the sum of One Hundred Thousand Dollars ($100,000.00).

2.12.030 Chief of Police. The amount of the official bond of the Chief of Police of the City is fixed at the sum of One Hundred Thousand Dollars ($100,000.00).

SECTION 4. This ordinance shall become effective thirty (30) days after its passage.

Passed, approved and adopted by the Council of the City of Trinidad, County of Humboldt, State of California on the 14th day of January, 1998, by the following vote:

AYES: COUNCILMEMBERS: Saunders, Dobrec, Sisneros, Hogan, Pinske
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

Glenn W. Saunders
MAYOR OF THE CITY OF TRINIDAD

ATTEST:

Dana Deason
DANA DEASON, CITY CLERK

ORDINANCE NO. 98-3

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTION 2.04.020 OF THE TRINIDAD MUNICIPAL CODE RELATING TO SPECIAL MEETINGS

The City Council of the City of Trinidad does hereby ordain as follows:

SECTION 1

Section 2.04.020 of the Trinidad Municipal Code is hereby amended to read as follows:

The Mayor or a majority of the members of the City Council may call a special meeting whenever the public business requires it. A special meeting can be called by gathering written notice to each member of the City Council, as well as to each local newspaper of general circulation, radio and/or television station requesting notice. Notice will be made to the Councilmembers mail box at City Hall, the post office, and Murphy's Market. Further, the City Clerk shall post the agenda in front of City Hall and shall make a good faith attempt to contact each Councilmember by telephone as provided by the member prior to the meeting.

The notice of the meeting shall state the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in this notice.

SECTION 2

This ordinance shall take effect thirty (30) days after its passage.

Passed, approved, and adopted by the City Council of the City of Trinidad, County of Humboldt, State of California, on the 11 day of November, 1998, by the following vote:

AYES: Hogan, Wilbur, Twoomey, Cuthbertson
NOES:
ABSENT: Titchenell

Nancy Hogan, Mayor

ATTEST:

Dana Deason, City Clerk

ORDINANCE NO. 90-208

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING CERTAIN SECTIONS OF THE TRINIDAD MUNICIPAL CODE AND ADDING OTHER SECTIONS TO THE MUNICIPAL CODE

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

SECTION 1.

Section 5.16.030 of the Trinidad Municipal Code is amended to read as follows:

"5.16.030 Permit--Exemptions. A. Current News. The provisions of this chapter shall not apply to or affect reporters, photographers or cameramen in the employ of a newspaper, news service or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.

"B. The filming or video taping of motion pictures solely for private family use.

"C. The filming or video taping of commercials when the commercial is filmed entirely on the property of the business featured in the commercial. (Ord. 89-203 Sec. 2(B), 1989: Ord. 87-194 Sec. 2(b), 1987.)"

SECTION 2.

Section 5.16.060 of the Trinidad Municipal Code is amended to read as follows:

"5.16.060 Applications--Issuing authority. The issuing authority shall be the city, acting by and through the city officer appointed by the city council. (Ord. 89-203 Sec. 4(A), 1989: Ord. 87-194 Sec. 4(a), 1987.)"

SECTION 3.

Section 2.04.010 of the Trinidad Municipal Code is amended to read as follows:

"2.04.010 Regular meetings. A. Time. The city council shall hold regular meetings on the second Wednesday of each and every month at the hour of seven-thirty p.m.; provided however, that when the day fixed for any regular meeting of the council falls upon a date designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

"B. Place. All regular meetings of the council shall be held in the Town Hall in the city. (Ord. 145 Sec 1, 1974; Ord. 102 Sec 1, 1955.)"

SECTION 4.

This ordinance shall take effect thirty (30) days after its adoption.

Dated:

ATTEST:

Janelle Case

JANELLE CASE
City Clerk, City of Trinidad

APPROVED:

J. Bryce Kenny

BRYCE KENNY
Mayor, City of Trinidad

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California, held on March 13, 1991, by the following roll call vote:

AYES:

NOES:

ABSENT:

JANELLE CASE
City Clerk, City of Trinidad

2.04.010 Regular meetings. A. Time. The city council shall hold regular meetings on the first Tuesday of each and every month at the hour of seven-thirty p.m.; provided, however, that when the day fixed for any regular meeting of the council falls upon a date designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

B. Place. All regular meetings of the council shall be held in the Town Hall in the city. (Ord. 145 §1, 1974; Ord. 102 §1, 1955)

2.04.020 Special meetings. The mayor shall call special meetings of the council whenever in his opinion the public business may require it, or at the express written request of any three members of the council. Whenever a special meeting shall be called, a summons or a notice in writing signed by the mayor shall be served upon each member of the council either in person or by notice left at his place of business, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice. (Ord. 102 §2, 1955)

2.04.030 Presiding officer. The presiding officer of the council shall be the mayor. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the council. He shall state every question coming before the council, announce the decision of the council on all subjects and decide all questions of order; subject, however, to an appeal to the council, in which a majority vote of the council shall govern and conclusively determine such question of order. He shall vote on all questions, his name being called last. He shall sign all ordinances and resolutions adopted by the council during his presence. In the event of the absence of the mayor, the acting mayor shall sign ordinances or resolutions as then adopted. (Ord. 102 §3, 1955)

2.04.040 Call to order. The mayor, or in his absence, the acting mayor, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the mayor or the acting mayor, the city clerk, or his assistant, shall call the council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon the arrival of the mayor or the acting mayor, the temporary chairman, shall immediately relinquish the chair upon the conclusion of the business immediately before the council. (Ord. 102 §4, 1955)

2.04.050 Roll call. Before proceeding with the business of the council, the city clerk or his deputy shall

call the roll of the members, and the names of those present shall be entered in the minutes. (Ord. 102 §5, 1955)

2.04.060 Quorum. A majority of all the members elected to the council shall constitute a quorum at any regular or special meeting of the council. In the absence of a quorum, the presiding officer, shall, at the instance of any two members present, compel the attendance of absent members. (Ord. 102 §6, 1955)

2.04.070 Order of business. All meetings of the council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the council, the city clerk, the mayor and, when advisable, the city attorney shall take their regular stations in the council chambers, and the business of the council shall be taken up for consideration and disposition in the following order:

A. Roll call;
B. Approval of minutes of previous meeting;
C. Petitions, remonstrances and communications;
D. Introduction and adoption of resolutions and ordinances;
E. Report of officers, boards, committees;
F. Unfinished business;
G. New business;
H. Miscellaneous;
I. Appropriations;
J. Adjournment. (Ord. 102 §7, 1955)

2.04.080 Vote of presiding officer. The mayor or such other member of the council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a councilman by reason of his acting as the presiding officer. (Ord. 102 §8(a), 1955)

2.04.090 Speaking on the floor. Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language. (Ord. 102 §8(b), 1955)

2.04.100 Interrupting debate. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed. (Ord. 102 §8(c), 1955)

2.04.110 Closing debate. The councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. (Ord. 102 §8(d), 1955)

2.04.120 Motion to reconsider. A motion to reconsider any action taken by the council may be made only on the date such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the council from making or remaking the same or any other motion at a subsequent meeting of the council. (Ord. 102 §8(e), 1955)

2.04.130 Council minutes--Councilmens' remarks. A councilman may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the council entered in the minutes. If the council consents thereto, such statement shall be entered in the minutes. (Ord. 102 §8(f), 1955)

2.04.140 Council minutes--Synopsis of debate. The clerk may be directed by the presiding officer, with consent by the council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the council. (Ord. 102 §8(g), 1955)

2.04.150 Council minutes--Entry of protests. Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the council entered on the minutes. (Ord. 102 §14, 1955)

2.04.160 Addressing the council. Any person desiring to address the council shall first secure the permission of the presiding officer so to do; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified person may address the council without securing such prior permission:

A. Written Communications. Interested parties or their authorized representatives may address the council by written communications in regard to matters then under discussion.

B. Oral Communications. Taxpayers or residents of the city, or their authorized legal representatives, may address the council by oral communications on any matter concerning the city's business, or any matter over which the council has control; provided, however, that preference shall be given to those persons who may have notified the city clerk

in advance of their desire to speak in order that the same may appear on the agenda of the council.

C. Reading of Protests. Interested persons or their authorized representatives may address the council by reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration. (Ord. 102 §9, 1955)

2.04.170 Addressing the council after motion made. After a motion is made by council, no person shall address the council without first securing the permission of the council so to do. (Ord. 102 §10, 1955)

2.04.180 Silence constitutes affirmative vote. Unless a member of the council state that he is not voting, his silence shall be recorded as an affirmative vote. (Ord. 102 §11, 1955)

2.04.190 Decorum--Procedure. A. By Council Members. While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.

B. By Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue be granted by a majority vote of the council. (Ord. 102 §12, 1955)

2.04.200 Decorum--Enforcement. The chief of police shall be sargeant-at-arms of the council meetings. He shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon instructions of the presiding officer, it shall be the duty of the sargeant-at-arms to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this code, the complaint to be signed by the presiding officer. (Ord. 102 §13, 1955)

2.04.210 Ordinances--Preparation. All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council, or requested in writing by the mayor, or prepared by the city attorney on his own initiative. (Ord. 102 §15(a), 1955)

2.04.220 Ordinances--Prior approval. All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative, and shall have been examined and approved for administration by the mayor or his authorized representative, where there are substantive matters of administration involved. (Ord. 102 §15(b), 1955)

2.04.230 Ordinances--Introducing for passage or approval. A. Ordinances, resolutions, and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, except that the mayor or city attorney may present ordinances, resolutions and other matters or subjects to the council, and any councilman may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

B. No ordinance shall be put on its final passage on the same day on which it was introduced.

C. All ordinances shall be passed at a regular meeting held more than five days after the introduction of such ordinance. There shall be a separate reading at the meeting at which the ordinance is introduced and at the regular meeting at which the ordinance is passed.

D. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

E. Unless otherwise provided in the ordinance, each ordinance of the city shall be posted at the entrance of the Town Hall where the business of the city is transacted, at the post office in the city and at any other public place, for ten days. Whenever any ordinance is posted, it shall be the duty of the city clerk to make an affidavit of posting and attach the affidavit to each respective ordinance, and such affidavit shall remain on file therewith. (Ord. 102 §15(c), 1955)

2.04.240 Adjournment. A motion to adjourn shall always be in order and decided without debate. (Ord. 102 §16, 1955)

ORDINANCE NO. 96-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD RELATING TO THE PROVIDING OF NOTICE OF VARIOUS CITY ACTIONS

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

Section 1: A new Section 2.04.250 is hereby added to the Trinidad Municipal Code to read as follows:

2.04.250 Legal Notice. Any legal notice required by this Code or any other provision of state law to be provided, may, in lieu of publication, be posted for ten (10) days in three conspicuous public places, to with, the entrance to City Hall, Trinidad Post Office, and Trinidad Market.

Section 2: This Ordinance shall become effective thirty (3) days after its passage.

Passed, approved, and adopted this 10th day of January, 1996, by the following vote:

AYES: Odom, Saunders, Globus, Emerson, Galledge - Rotman
NOES: 0
ABSENT: 0

ATTEST:

Janelle Case
City Clerk
City of Trinidad

APPROVED:

Tom Odom
Mayor
City of Trinidad

ORDINANCE NO. 97-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD ADOPTING CHAPTER 2.06 OF THE TRINIDAD MUNICIPAL CODE RELATING TO SELECTION OF MAYOR

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

Section 1

A new Chapter 2.06 and a new Section 2.06.010 are hereby added to the Municipal Code to read as follows:

Chapter 2.06
MAYOR

Section 2.06.010 Office of Mayor

As soon as practicable after each general election at which one or more persons are elected to the City Council, the Council members shall vote and select one of their own to serve as Mayor, and one to serve as Mayor Pro Tem.

The persons so elected shall serve until the next regularly scheduled Council election, or until removed by a majority vote of the Council.

Section 2

This ordinance shall take effect thirty (30) days after its passage.

Passed, approved, and adopted this 11h day of June, 1997, by the following vote:

AYES: Dobree, Globus, Saunders, Sisneros
NOES: none
ABSTAIN: none
ABSENT: Hogan

APPROVED:

ROBERT GLOBUS, MAYOR

ATTEST:

Dana Deason

DANA DEASON, CITY CLERK

## Chapter 2.08

## OFFICERS' SALARIES

Sections:

2.08.010 Officers' salaries.

2.08.010 Officers' salaries. Pursuant to authority of California Government Code Section 36516(a), the city council of the city now increases the monthly salary for members of the city council of the city to the amount of fifty dollars. (Ord. 88-197 §1, 1987)

## Chapter 2.12

## OFFICERS' BONDS

Sections:

2.12.010 Clerk.
2.12.020 Treasurer.
2.12.030 Chief of police.
2.12.040 Bonds for two or more offices.

2.12.010 Clerk. The amount of the official bond of the city clerk of the city is fixed at the sum of five hundred dollars. (Ord. 104 §1, 1955)

2.12.020 Treasurer. The amount of the official bond of the city treasurer of the city is fixed at the sum of five hundred dollars. (Ord. 104 §3, 1955)

2.12.030 Chief of police. The amount of the official bond of the city is fixed at the sum of five hundred dollars. (Ord. 104 §4, 1955)

2.12.040 Bonds for two or more offices. Whenever one person holds two or more offices herein required to be bonded, the execution of one bond in the sum of the largest bond required for any one of the offices held by such person shall be a sufficient and adequate compliance with this chapter. (Ord. 104 §6, 1955)

ORDINANCE NO.2000-03

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF TRINIDAD
AMENDING THE TRINIDAD MUNICIPAL CODE
PROVISIONS REGARDING CONFLICT OF INTEREST

TITLE II, ADMINISTRATION AND PERSONNEL
CHAPTER 2.16, CONFLICT OF INTEREST CODE

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

Section 1: Title II, Administration and Personnel, Chapter 2.16,Conflict of Interest, Section 2.16.030, Designated Employees, is amended as indicated by the following ~~strike through~~ and **bold language**: ORIGINAL (INTRODUCED. COPY IN ORD. BINDER

2.16.030, Designated employees. A. The persons holding positions listed in subsection B of this section are designated employees. It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on their financial interests.

B.

| Designated Employees | Disclosure Categories |
|---|---|
| City engineer | 1, 2 |
| Planning director | 1, 2 |
| Director of public works | 1, 2 |
| Building inspector | 1, 2 |

(ord. 169 §3, Appx. A, 1980)

C. Consultants:

(1) For purposes of this Code, consultants shall be considered designated employees and shall disclose pursuant to the broadest disclosure categories in Section 2.16.040, specifically, shall disclose pursuant to categories 1 and 2, subject to the limitation that the City Council or its designee may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Code. such written determination shall include a description of the consultant's duties and, based upon that description, a

statement of the extent of the disclosure requirements. The City Council or its designee's determination shall become a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

(2) As used in this Code, a "consultant" is a natural person who provides, under contract, information, advice, recommendation or counsel to a local government agency. The term "consultant" does not include a person who:

(i) Conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation or counsel independent of the control and direction of the agency or agency official, other than normal contract monitoring, and

(ii) Possesses no authority with respect to any agency decision beyond the rendition of information, advice, recommendation or counsel.

Section 2: This ordinance will take effect thirty (30) days after the date of its adoption.

Dated: 12-13, 2000

ATTEST:

City Clerk, City of Trinidad

APPROVED:

Mayor, City of Trinidad

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2000-03 passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California, on the 13th day of December, 2000, by the following vote:

AYES:

NOES:

ABSENT:

City Clerk, City of Trinidad

ORDINANCE NO. 94-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD REPEALING CHAPTER 2.16 OF THE MUNICIPAL CODE, AND IN ADOPTING A NEW CHAPTER 2.16 IN ITS PLACE, ALL RELATING TO LOCAL CONFLICTS OF INTEREST

WHEREAS, the Political Reform Act, Government Code Sections 8100 et seq. requires each state or local government agency to adopt, promulgate and keep current a local Conflict of Interest Code; and

WHEREAS, the City of Trinidad's local Conflict of Interest Code needs to be amended to reflect changes in state law;

NOW, THEREFORE, the City Council of the City of Trinidad does ordain as follows:

Section 1: Chapter 2.16 of the Trinidad Municipal Code is repealed in its entirety.

Section 2: A new Chapter 2.16 is hereby adopted to read as follows:

Section 2.16.010. Adoption

The terms of 2 Cal. Code of Regulations Section 18730 (attached hereto as Appendix "A"), along with the attached Appendices "B" and "C" in which officials, employees and consultants are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Trinidad.

Section 2.16020. Statement Required

Persons holding designated positions shall file statements of economic interest pursuant to Section 18730(b)(4)(c) of Title 2 of the California Code of Regulations. All designated employees shall file their statements with the City Clerk to whom the Council hereby delegates the authority to carry out the duties of Filing Officer.

Passed, approved and adopted by the Council of the City of Trinidad, County of Humboldt, State of California on the 14th day of September, 1994, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

TOM ODOM, MAYOR OF THE CITY OF TRINIDAD

ATTEST:

JANELLE CASE, CITY CLERK

APPENDIX "B"

| Designated Positions | Reportable Economic Interest Category Numbers |
|---|---|
| City Clerk | All |
| Director of Public Works | A,B,C |
| Treasurer | All |
| Building Inspector | A,B,C |
| Planner | A,B,C |
| Police Chief | A,B,C |
| Fire Chief | A,B,C |
| City Attorney | All |
| Planning Commission Member | A,B,C |
| Parks and Recreation Commission Member | A,B,C |

Engineers and land surveyors who provide professional services as consultants need not file a statement, unless those services relate to certain assessment recommendations.

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

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

# APPENDIX "C"

## General Provisions

A designated officer or employee required to disclose investments and sources of income need only disclose investments in business entities and sources of income which do business in the City, plan to do business in the City or have done business in the City within the past two (2) years. In addition to other activities, a business entity is doing business within the City if it owns real property within the City. A designated officer or employee required to disclose interests in real property need only disclose interests in real property located in whole or in part within or not more than two (2) miles outside the City or within two (2) miles of any land owned or used by the City.

Designated officers or employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix "B".

## Disclosure Categories

| | |
|---|---|
| Category A: | All investments and sources of income. |
| Category B: | All interests in real property. |
| Category C: | All investments, business positions, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department. |
| Category D: | Investments in business entities, business positions, and sources of income which engage in land development, construction or the acquisition or sale of real property. |
| Category E: | Investments in business entities, business positions, and sources of income of the type which, within the past two (2) years, have contracted with the City to provide services, supplies, materials, machinery or equipment. |
| Category F: | Investments in business, business positions, and sources of income of the type which, within the past two (2) years, have contracted with the designated employee's department to provide services, supplies, materials, machinery or equipment. |

| DISCLOSURES | REPORTED ON SCHEDULE(S) |
| --- | --- |
| Investments | A, C-2 |
| Income | D, E, F, G, H-1, H-2, H-3, |
| Interests in Real Property | B, C-1 |

# Chapter 2.16

## CONFLICT OF INTEREST CODE

Sections:

2.16.010 Adopted.
2.16.020 Definitions.
2.16.030 Designated employees.
2.16.040 Disclosure statements.
2.16.050 Filing--Location.
2.16.060 Filing--Deadlines.
2.16.070 Statements--Contents.
2.16.080 Statements--Procedure.
2.16.090 Disqualification--Criteria.
2.16.100 Disqualification--Procedure.

2.16.010 Adopted. In compliance with the Political Reform Act of 1974, California Government Code Section 81000, and following, and specifically with Section 873000, and following, the city adopts this conflict of interest code which shall be applicable to all designated employees of the agency. The requirements of this code are in addition to other requirements of the act such as the general prohibition against conflicts interest contained in Government Code Section 87100, and to any other state or local laws pertaining to conflicts of interest. (Ord. 169 §1, 1980)

2.16.020 Definitions. The definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission (2 Cal. Adm. Code Sections 18100 and following), and any amendments to the act or regulations, are incorporated by reference into this conflict of interest code. (Ord. 169 §2, 1980)

2.16.030 Designated employees. A. The persons holding positions listed in subsection B of this section are designated employees. It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on their financial interests.

B.

| Designated Emloyees | Disclosure Categories |
|---|---|
| City clerk | All |
| Planning director | 1, 2 |
| Director of public works | 1, 2 |
| Treasurer | All |
| Building inspector | 1, 2 |
| * Planning commission member | |

* Included for disqualification purposes only; disclosure obligation set forth in Section 87.200, and following, of the Government Code.
(Ord. 169 §3, Appx. A, 1980)

2.16.040 Disclosure statements. A. A designated employee shall be assigned one or more of the disclosure categories set forth in subsection C of this section. It has been determined that the financial interests set forth in a designated employee's disclosure category are the types of financial interest which he or she foreseeably can effect materially through the conduct of his or her office. Each designated employee shall file statements of economic interest disclosing his or her financial interests as required by the applicable disclosure category.

B. When a designated employee is required to disclose investments and sources of income, he need only disclose investments in business entities and sources of income which do business in the jursidiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interests in real property, he need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

C. Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Section 2.16.030(B).

Disclosure Categories

Category 1: All investments and sources of income;

Category 2: All interests in real property;

Category 3: All investments, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department;

Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition or sale of real property;

Category 5: Interests in real property located within two miles of any land owned or used by the city;

Category 6: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the city to provide services, supplies, materials, machinery or equipment;

Category 7: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the designated employee's department to provide services, supplies, materials, machinery or equipment. (Ord. 169 §4, Appx. B, 1980)

2.16.050 Filing--Location. A. All designated employees required to submit a statement of economic interest shall file the original with the city clerk of the city who shall be the filing officer for all designated employees.

B. Upon receipt of the statement of economic interests of the designated employees, the city clerk of the city shall make and retain a copy and forward the originals of these statements to the city council of the city who shall be the filing officer, within five days of the filing deadline or five days of receipt in the case of statements filed late. (Ord. 169 §5, 1980)

2.16.060 Filing--Deadlines. A. Initial Statements. All designated employees employed by the agency on the effective date of the code codified in this chapter shall file statements within thirty days after the effective date of the code codified in this chapter.

B. Assuming Office Statements.

1. All designated employees shall file statements within thirty days after assuming office, or, if subject to confirmation, thirty days after being appointed or nominated.

2. All other persons appointed, promoted or transferred to designated positions after the effective date of the code codified in this chapter, shall file statements within ten days after assuming office (or if subject to confirmation, ten days after being nominated or appointed).

C. Annual Statements. All designated employees shall file statements no later than April 1.

D. Leaving Office Statements. All persons who leave designated positions shall file statements within days after leaving office. (Ord. 90-204 §2(B), 1990; Ord. 169 §6, 1980)

2.16.070 Statements--Contents. A. Contents of Initial Statements. Initial statements shall disclose any reportable investments and interests in real property and management positions held on the effective date of the code codified in this chapter.

B. Assuming Office Statements. Assuming office statements shall disclose any reportable investments and interests in real property and management positions held on the

date of assuming office (or on the date of nomination, whichever is earlier).

C. Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, and income and management positions held or received during the previous calendar year; provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code codified in this chapter or the date of assuming office, whichever is later.

D. Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, and income and management positions held or received during the period between the closing date of the last statement filed and the date of leaving office. (Ord. 169 §8, 1980)

2.16.080 Statements--Procedure. Disclosure statements shall be made on forms supplied by the city, and shall contain the following information:

A. Contents of Investment and Real Property Reports. When an investment or interest in real property is required to be reported, the statement shall contain the following:

1. A statement of the nature of the investment or interest,

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged,

3. The address or other precise location of the real property,

4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars, exceeds ten thousand dollars, or exceeds one hundred thousand dollars;

B. Contents of Personal Income Reports. When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars or more in value, or fifty dollars or more in value if the income was a gift, and a general description of the business activity, if any, of each source,

2. Government Codes Sections 87207(a)(2) and 87207(b) are adopted by reference and included as if fully set out in this chapter,

3. A description of the consideration, if any, for which the income was received,

4. In the case of a gift, the name and address of the donor, a description of the gift, the amount or value of the gift, and the date on which the gift was received;

C. Annual Statements. Government Codes Sections 87207(a)(2) and 87207(b) are adopted by reference and included as if fully set out in this chapter;

D. Contents of Management Position Reports. When management positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity;

E. Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or interest in real property was partially or wholly acquired or disposed during the period covered by the statement, the statement shall contain the date of acquisition or disposal. (Ord. 90-204 §§2(C), (D), 1990; Ord. 169 §8, 1980)

2.16.090 Disqualification--Criteria. Designated employees must disqualify themselves from making, participating in the making or using their official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

A. Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars or more;

B. Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars or more;

C. Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars or more in value received by or promised to the designated employee within twelve months prior to the time when the decision is made; or

D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

E. Provisions contained in Government Code Section 87103(e), adopted by reference and incorporated as if fully set forth in this chapter.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that a designated employee's vote is needed to break a tie does not make his or her participation legally required for purposes of this section. (Ord. 90-204 §§2(E), (F), 1990; Ord. 169 §9, 1980)

2.16.100 Disqualification--Procedure. A. A designated employee required to disqualify himself or herself shall notify his or her supervisor in writing. This notice shall be forwarded to the city clerk of the city, who shall record the employee's disqualification. Upon receipt of such statement, the supervisor shall reassign the matter to another employee.

B. In the case of a designated employee who is a board member or commissioner, notice of disqualification shall be given at the meeting during which consideration of the decision takes place and shall be made part of the official record of the board or commission. (Ord. 169 §10, 1990)

## Chapter 2.20

## PLANNING COMMISSION

Sections:

2.20.010 Number of members.
2.20.020 Ex officio members.
2.20.030 Term of office.
2.20.040 Members--Appointment.
2.20.050 Vacancies.
2.20.060 Removal from office.
2.20.070 Election of chairman and vice chairman.
2.20.080 State provisions adopted.

2.20.010 Number of members. The city planning commission shall consist of five members. (Ord. 122A §1, 1958)

2.20.020 Ex officio members. The mayor of the city and the city attorney shall be ex officio members of the city planning commission, but shall not have a vote. (Ord. 122A §2, 1958)

2.20.030 Term of office. The term of office of the members of the commission shall be four years, except for the first members of the commission pursuant to the provisions of the ordinance codified in this chapter. (Ord. 122A §3, 1958)

2.20.040 Members--Appointment. The members of the commission shall be appointed by the mayor with the approval of the city council. (Ord. 122A §4, 1958)

2.20.050 Vacancies. Vacancies shall be filled by appointment for the unexpired portion of the term. (Ord. 122A §6, 1958)

ORDINANCE NO. 96-1

**AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTION 2.20.070 OF THE MUNICIPAL CODE RELATING TO ELECTION OF PLANNING COMMISSION CHAIR**

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1: An amended Section 2.20.070 shall read as follows:

2.20.070 Election of Chair and Vice Chair. The Commission shall elect its chair and vice chair from among the appointed members of the Commission.

The Chair of the Planning Commission shall be elected to a two year term, on a rotating basis, so that no individual may serve a second term as chair as long as there are others on the Commission who have not so served.

Section 2. This Ordinance shall become effective thirty (30) days after its passage.

Passed, approved, and adopted this 13th day of December, 1995, by the following vote:

AYES: Odom, Saunders, Emerson, Globus, Golledge-Sylvein
NOES:
ABSENT:

ATTEST:

Janelle Case
City Clerk
City of Trinidad

APPROVED:

Tom Odom
Mayor
City of Trinidad

*TRINIDAD CITY HALL*
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

*Chi-Wei Lin, Mayor*
*Gabriel Adams, City Clerk*

# ORDINANCE NO. 2007-03

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING SECTION 2.20.090 OF THE TRINIDAD MUNICIPAL CODE, RELATING TO THE QUALIFICATIONS OF PLANNING COMMISSION MEMBERS

The City Council of the City of Trinidad does hereby ordain as follows:

**Section 1**: Section 2.20.090 of the Trinidad Municipal Code is hereby amended to read as follows:

2.20.090: Qualifications of Planning Commission Members

Except as provided hereinafter, no person may serve on the Trinidad Planning Commission unless, at the time of appointment to office, and at all times thereafter during the term of the appointment, that person is a resident of the City Limits of the City of Trinidad.

However, the City Council may appoint not more than one (1) member who need not be a resident of the City of Trinidad, but reside within the Greater Trinidad Area as conceptually defined as an area in Humboldt County north of Little River and south of Big Lagoon as described by the map (attachment A).

**Section 2**: This ordinance shall become effective thirty (30) days after its passage.

**PASSED, APPROVED, AND ADOPTED** on this 14th day of February, 2007, by the following vote:

| | |
|---|---|
| **Ayes:** | Miller, Binnie, Lin, Bhardwaj |
| **Noes:** | Heyenga |
| **Absent:** | None |
| **Abstain:** | None |

**Attest**:

**Gabriel Adams**
Trinidad City Clerk

**Chi-Wei Lin**
Mayor

**First Reading**: Wednesday, February 14, 2007

**Second Reading:** Wednesday, March 14, 2007

ORDINANCE 94-2

AN ORDINANCE OF THE CITY OF TRINIDAD ADDING SECTION 2.20.090 TO THE TRINIDAD MUNICIPAL CODE, RELATING TO QUALIFICATIONS OF PLANNING COMMISSION MEMBERS.

The City Council of the City of Trinidad does hereby ordain as follows:

SECTION 1:

A new Section 2.20.090 is hereby added to the Trinidad Municipal Code as follows:

2.20.090: Qualifications of Planning Commissioners:

Except as provided hereinafter, no person may serve on the Trinidad Planning Commission unless, at the time of appointment to office, and at all times thereafter during the term of the appointment, that person is a resident of the City Limits of the City of Trinidad.

However, in the event there are an insufficient number of qualified and interested applicants to serve on the Planning Commission, the City Council may appoint not more than one (1) member at any given time who need not be a resident of the City of Trinidad, but reside in the sphere of influence.

SECTION 2:

This Ordinance shall take effect thirty (30) days after it's adoption.

Passed, Approved, and adopted this 11th day of May, 1994, by the following roll call vote:

AYES: ODOM, KIRK, SAUNDERS, GLOBUS, EMERSO

NOES: 0

ABSTAIN: 0

ABSENT: 0

APPROVED:

Tom Odom

, Mayor
City of Trinidad

ATTEST:

Janelle Case

Janelle Case, City Clerk
City of Trinidad

2.20.060 Removal from office. Any appointee of the commission may be removed by any of the following:

A. The mayor subject to approval by the city council;

B. The majority vote of the city council. (Ord. 122A §7, 1958)

2.20.070 Election of chairman and vice chairman. The commission shall elect its chairman and vice chairman from among the appointed members of the commission. The commission shall appoint a secretary who need not be a member of the commission. (Ord. 122A §8, 1958)

2.20.080 State provisions adopted. The provisions of Title 7, Chapter 3 of the Government Code of California, as amended, are adopted and its statutes are adopted as a whole insofar as they may apply to the terms of office, powers and duties and methods of removal of the members of the planning commission. (Ord. 122A §9, 1958)

## Chapter 2.24

## CIVIL DEFENSE

Sections:


2.24.010 Purpose.
2.24.020 Definitions.
2.24.030 Civil defense and disaster council--Created--Membership.
2.24.040 Civil defense and disaster council--Powers and duties.
2.24.050 Director of civil defense and disaster--Created.
2.24.060 Director of civil defense and disaster--Powers and duties.
2.24.070 Director of civil defense and disaster preparedness--Proclamation of disaster--Powers and duties.
2.24.080 Civil defense and disaster organization.
2.24.090 Civil defense and disaster organization--Powers and duties.
2.24.100 Violation--Penalty.


2.24.010 Purpose. The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the civil defense of persons and property within this city in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this city with all other public agencies and affected private persons, corporations and organizations. Any

expenditures made in connection with such civil defense and disaster activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 122 §1, 1957)

2.24.020 Definitions. A. Civil Defense. As used in this chapter, the term "civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

B. Disasters. As used in this chapter, the term "disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity. (Ord. 122 §2, 1957)

2.24.030 Civil defense and disaster council--Created--Membership. The city civil defense and disaster council is created and shall consist of the following:

A. The mayor, who shall be chairman;

B. The director of civil defense and disaster, who shall be vice chairman;

C. The assistant director, appointed by mayor with the advice and consent of the city council who, under the supervision of the director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this city, and shall have such other duties as may be assigned by the director;

D. Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this chapter;

E. Such representatives of civil, business, labor, veterans, professional or other organizations having an official group or organization civil defense and disaster responsibility as may be appointed by the mayor with the advice and consent of the city council. (Ord. 122 §3, 1957)

2.24.040 Civil defense and disaster council--Powers and duties. It shall be the duty of the city civil defense and disaster council, and it is empowered, to review and recommend for adoption by the city council, civil defense and disaster and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The civil defense and disaster council shall meet upon call of the chairman or in his absence from the city or inability to call such meeting, upon the call of the vice chairman. (Ord. 122 §4, 1957)

2.24.050 Director of civil defense and disaster--Created. There is created the office of director of civil defense and disaster. Such officer shall be appointed by the mayor with the advice and consent of the city council. (Ord. 122 §5(part), 1957)

2.24.060 Director of civil defense and disaster--Powers and duties. A. To request the city council to proclaim the existence or threatened existence of a disaster and the termination thereof, if the city council is in session, or to issue such proclamation if the city council is not in session, subject to confirmation by the city council at the earliest practicable time;

B. To request the governor to proclaim a state of extreme emergency when in the opinion of the director the resources of the area or region are inadequate to cope with the disaster;

C. To control and direct the effort of the civil defense and disaster organization of this city for the accomplishment of the purposes of this ordinance;

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

E. To represent the civil defense and disaster organization of this city in all dealings with public or private agencies pertaining to civil defense and disaster. (Ord. 122 §5, 1957)

2.24.070 Director of civil defense and disaster preparedness--Proclamation of disaster--Powers and duties. In the event of the proclamation of a disaster as herein provided, or the proclamation of a state of extreme emergency by the governor or the State Director of Civil Defense, the director is empowered:

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

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

C. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of extreme emergency by the governor in the region in which this city is located, to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties; such persons shall be entitled to all privileges

privileges, benefits and immunities as are provided by state law for registered civil defense and disaster worker volunteers;

D. To requisition necessary personnel or material of any city department or agency;

E. To execute all of his ordinary powers as mayor, all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the city council, or by any other lawful authority, and in conformity with Section 38791 of the Government Code, to exercise complete authority over the city and to exercise all police power vested int he city by the Constitution and general laws. (Ord. 122 §6, 1957)

2.24.080 Civil defense and disaster organization. All officers and employees of this city, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 2.24.060(C) of this chapter, be charged with duties incident to the protection of life and property in this city during such disaster, shall constitute the civil defense and disaster organization of the city. (Ord. 122 §7, 1957)

2.24.090 Civil defense and disaster organization--Powers and duties. A. The functions and duties of the city civil defense and disaster organization shall be distributed among such divisions, services and special staff as the city council shall prescribe by resolution.

B. The city council shall concurrently with the adoption of this chapter adopt a resolution setting forth the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible the form of organization, titles and terminology shall conform to the recommendations of the federal government and the civil defense agency of the state. (Ord. 122 §8, 1957)

2.24.100 Violation--Penalty. It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person during a disaster:

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

B. To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to

the enemy, or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the civil defense and disaster agency of the state. (Ord. 122 §9, 1957)

## Chapter 2.28

## PEACE OFFICERS STANDARDS AND TRAINING

Sections:

2.28.010 State aid.
2.28.020 Standards for recruitment and training.

2.28.010 State aid. The city declares that it desires to qualify to receive aid from the state under the provisions of Chapter 1 of Title 4, part 4 of the California Penal Code. (Ord. 87-192 §1, 1987)

2.28.020 Standards for recruitment and training. Pursuant to Section 13522 of Chapter 1 of the California Penal Code, the city while receiving aid from the state pursuant to Chapter 1 will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. 87-192 §2, 1987)

## Chapter 2.32

## ADMINISTRATIVE FEES AND CHARGES

Sections:

2.32.010 Establishment of fees and charges.
2.32.020 Fees for street closure.

2.32.010 Establishment of fees and charges. The city council may establish from time to time by resolution the fees for the use of the Trinidad Town Hall. (Ord. 159 §4, 1977)

2.32.020 Fees for street closure. The city shall charge a permit fee, which fee shall be established from time to time by resolution of the council, whenever any city streets are closed to vehicular traffic for the safe conduct of a community event. (Ord. 83-177 §1, 1983)

# Chapter 2.36

## DISPOSITION OF UNCLAIMED PROPERTY

Sections:

2.36.010 Unclaimed property.
2.36.020 Unclaimed bicycles.
2.36.030 Other property.
2.36.040 Auction.
2.36.050 Auction--Notice.
2.36.060 Auction notice--Contents.
2.36.070 Retention of property.

2.36.010 Unclaimed property. All property which comes into the possession of the city police department shall be cared for and disposed of in accordance with the provisions of this chapter, unless specific provision for the care and disposal of the particular property is elsewhere made by law. (Ord. 89-202 §1, 1989)

2.36.020 Unclaimed bicycles. Unclaimed bicycles shall be held by the city police department for a period of at least three months from the date they first come into possession of the police department, after which period they may be disposed of as set forth in this chapter. (Ord. 89-202 §2, 1989)

2.36.030 Other property. All other unclaimed property, other than unclaimed bicycles, shall be held by the police department for a period of at least four months from the date it first comes into the possession of the city police department, after which period it may be disposed of as set forth in this chapter. (Ord. 89-202 §2, 1989)

2.36.040 Auction. When unclaimed property has been in the possession of the city police department for the periods mentioned Sections 2.36.020 and 2.36.030 of this chapter, it shall thereafter be sold at public auction, without reserve, to the highest bidder. If no bid is received on an article of unclaimed property, the chief of police may, at his discretion, either retain the property for sale at the next public auction held pursuant to this chapter, or he may have the property destroyed in an appropriate manner. (Ord. 89-202 §4, 1989)

2.36.050 Auction--Notice. Notice of public auction sales of unclaimed property shall be given by the chief of police by having a notice of sale published once, at least five days before the time set for the proposed sale, in one or more newspapers of general circulation published in

Humboldt County. Notice of such sale may also, in addition to such publication, be given by other appropriate means. (Ord. 89-202 §5, 1989)

2.36.060 Auction notice--Contents. The published notice of sale shall state the date and hour of the proposed sale, the place of the proposed sale, the fact that the auction shall be without reserve, and it shall contain a brief description of the articles to be sold. (Ord. 89-202 §6, 1989)

2.36.070 Retention of property. If the city council determines that any such property is needed for a public use, such property may be retained by the city and need not be sold. (Ord. 89-202 §7, 1989)

# Title 3

## REVENUE AND FINANCE

Chapters:

3.04 Transfer of Tax Assessment and Collection
3.08 Sales and Use Tax
3.12 Special Gas Tax Street Improvement Fund
3.16 Claims Against the City

## Chapter 3.04

## TRANSFER OF TAX ASSESSMENT AND COLLECTION

Sections:

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

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

A. "City," as used in this chapter means the city of Trinidad, a municipal corporation, situated in the county of Humboldt, state of California.

B. "County," as used in this chapter means the county of Humboldt, a political subdivision of the state of California. (Ord. 131 §1, 1966)

3.04.020 Transfer of duties. The assessment and tax collection duties, and the collection of assessments levied for municipal improvements, now performed by the assessor and the tax collector of the county for the purpose of assessment and collection of and for ad valorem property taxes that become a lien after the adoption of this chapter, and the collection of assessments for municipal improvements becoming due and payable on and after July 1, 1967. (Ord. 131 §2, 1966)

3.04.030 Abolition of offices of city assessor and city tax collector. The office of city assessor and city tax collector are abolished as of the first day of July 1967, and thereafter all duties performed by the city assessor other than the assessing of property in the city, and all duties performed by the city tax collector other

# ORDINANCE NO. 2004-01

## AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTION 3.08 OF THE TRINIDAD MUNICIPAL CODE, IMPOSING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

Section 1. TITLE. This ordinance shall be known as the Trinidad Transactions and Use Tax Ordinance. The City of Trinidad hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section *(7285.9)* of Part 1.7 of Division 2 which authorizes the City 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 State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will 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 ordinance.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at

the rate of 1.0% 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 ordinance.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1.0% 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.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the 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 ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

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

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

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

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

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 11. EXEMPTIONS AND EXCLUSIONS.

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

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

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the City in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

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

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

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

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

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 ordinance.

5. For the purposes of subsections (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 ordinance, the storage, use or other consumption in this City of tangible personal property:

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

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

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

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 ordinance.

5. For the purposes of subsections (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 City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance 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 ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, 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.

Section 14. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 15. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

Section 16. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire **December 31, 2008**.

**PASSED AND ADOPTED** by the City Council of the City of Trinidad, State of California, on Wednesday, April 14, 2004, by the following vote:

AYES: Marlow, Bowman, Heyenga, Lin, Morales
NOES: None
ABSTAIN: None
ABSENT: None

**Attest:**

G. Adams

**Gabriel Adams**
Trinidad City Clerk

than the collection of ad valorem taxes on property that become a lien after the adoption of the ordinance codified in this chapter and the collection of assessments becoming due and payable on and after July 1, 1967, are transferred to and are to be performed by the city clerk. (Ord. 131 §3, 1966)

3.04.040 Filing of certified copy. The city clerk shall cause a certified copy of this chapter to be filed with the auditor of the county on or before the first Monday of February, 1967, and immediately thereafter shall notify the State Board of Equalization. (Ord. 131 §4, 1966)

## Chapter 3.08

## SALES AND USE TAX

Sections:

3.08.010 Short title.
3.08.020 Purpose.
3.08.030 Sales tax--Imposed.
3.08.040 Use tax--Imposed.
3.08.050 Rate.
3.08.060 Place of sale.
3.08.070 Contract with state.
3.08.080 Adoption of provisions of state law.
3.08.090 Limitations on adoption of state law.
3.08.100 Permit not required.
3.08.110 Exclusions and exemptions.
3.08.120 Amendments.
3.08.130 Enjoining collection forbidden.
3.08.140 Violation--Penalty.

3.08.010 Short title. This chapter shall be known as the "Uniform Local Sales and Use Tax Ordinance." (Ord. 144 §1, 1973)

3.08.020 Purpose. The city council declares that this chapter is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

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

B. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the state of California insofar as those provisions are not inconsistent with the requirements and

limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in manner that adopts itself as fully as practicable to, and requires the least possible deviations from the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California Sales and Use Taxes;

D. To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon person subject to taxation under the provisions of this chapter. (Ord. 144 §4, 1973)

3.08.030 Sales tax--Imposed. For the privilege of selling tangible personal property at retail a tax is imposed upon all retailers in the city at the rate stated in Section 3.12.050 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after the operative date of the ordinance codified in this chapter. (Ord. 144 §6, 1973)

3.08.040 Use tax--Imposed. An excise tax is imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this city at the rate stated in Section 3.12.050 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. 144 §8, 1973)

3.08.050 Rate. The rate of sales and use tax imposed by this chapter shall be one percent. (Ord. 144 §2, 1973)

3.08.060 Place of sale. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property is sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined

under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 144 §7, 1973)

3.08.070 Contract with state. Prior to the operative date of the ordinance codified in this chapter this city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax ordinance; provided, that if this city shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of this chapter. (Ord. 144 §5, 1973)

3.08.080 Adoption of provisions of state law. Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all provisions of Part 1 of Division 2 of the Revenue Taxation Code are adopted and made a part of this chapter as though fully set forth herein. (Ord. 144 §9, 1973)

3.08.090 Limitations on adoption of state law. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the state of California is named or referred to as the taxing agency, the name of this city shall be substituted therefor. The substitution, however, shall not be made when the word "state" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the state of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of that code; the substitution shall not be

made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 or in the definition of that phrase in Section 6203. (Ord. 144 §10, 1973)

3.08.100 Permit not required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, and additional seller's permit shall not be required by this chapter. (Ord. 144 §11, 1973)

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

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

C. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

D. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Ord. 83-178 §1, 1983)

3.08.120 Amendments. All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Ord. 144 §15, 1973)

3.08.130 Enjoining collection forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or this city, or against any officer of the state or this city, to prevent or enjoin the collection

under this chapter, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Ord. 144 §16, 1973)

3.08.140 Violation--Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 144 §17, 1973)

## Chapter 3.12

## SPECIAL GAS TAX IMPROVEMENT FUND

Sections:

3.12.010 Created.
3.12.020 Revenue.
3.12.030 Expenditures.

3.12.010 Created. To comply with the provisions of Article 5 of Chapter 1 of Division 1 of the Streets and Highways Code there is created in the city treasury a special fund to be known as the special gas tax street improvement fund. (Ord. 113 §1, 1955)

3.12.020 Revenue. All moneys received by the city from the state of California under the provisions of the Streets and Highways Code for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets or highways other than state highways shall be paid into the fund. (Ord. 113 §2, 1955)

3.12.030 Expenditures. All moneys in the fund shall be expended exclusively for the purposes authorized by, and subject to all of the provisions of Article 5, Chapter 1, Division 1 of the Streets and Highways Code. (Ord. 113 §3, 1955)

## Chapter 3.16

## CLAIMS AGAINST THE CITY

Sections:

3.16.010 Procedure for filing claims.
3.16.020 Disposal of claims.
3.16.030 Requirements for payment of claim.

3.16.010 Procedure for filing claims. All claims and demands against the city shall be presented to the city council on forms to be approved by the city clerk. All such claims and demands shall be referred by the city council to its finance committee for auditing as to merit and accuracy. The finance committee shall, by endorsement thereon, approve or reject the claim in whole or in part and shall then return such claim to the city council with an affidavit of one or more members of the finance committee certifying as to the accuracy of the demand and the availability of funds for payment thereof. The board shall then consider the demand and the action of the finance committee thereon and shall, if the demand be just and legal, pay and approve the same, or may, if the council so determines, approve and allow a part or reject the whole demand. (Ord. 105 §1, 1955)

3.16.020 Disposal of claims. Upon allowing a demand the mayor shall draw a warrant or warrants upon the city treasurer, specifying the purposes for which drawn and the fund from which payment is to be made. The city clerk shall countersign the warrant. In the absence of the mayor or the city clerk, the acting mayor or the acting city clerk may draw or countersign such warrant; provided, however, that every warrant must bear the manual signature of at least one municipal officer who has executed an official bond to the city covering the faithful performance by such officer of his duties of office. (Ord. 105 §2, 1955)

3.16.030 Requirements for payment of claim. No demand can be approved or paid unless it specifies each several item, with the date and the amount thereof, nor unless it be subscribed by the claimant, or by his agent. (Ord. 105 §3, 1955)

ORDINANCE NO. 92-1

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTION 3.20.030 OF THE TRINIDAD MUNICIPAL CODE, AMENDING THE TOURIST OCCUPANCY TAX RATE

The City Council of the City of Trinidad does hereby ordain as follows:

1. Section 3.20.030 of the Trinidad Municipal Code is amended to read as follows: For the privilege of occupancy in any lodging, each tourist is subject to, and shall pay, a tax in the amount to be set by resolution of the City Council from time to time. The tax constitutes a debt owed by the tourist to the City. The tourist shall pay the tax based on the rent charged by the operator 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 tourists ceasing to occupy space in the lodging house. If for any reason the tax due is not paid to the operator of the lodging house, the tax administrator may require that such tax shall be paid directly to the tax administrator.

2. This Ordinance shall take effect thirty (30) days after it's passage.

Passed, approved, and adopted this 11th day of November, 1992 by the following roll call vote:

AYES: KIRK, ROTWEIN, SAUNDERS, ODOM, KENNY
NOES: -0-
ABSTAIN: -0-
ABSENT: -0-

ATTEST:

Janelle Case
City Clerk
City of Trinidad

APPROVED:

J. Bryce Kenny
Mayor
City of Trinidad

David Lane
County Administrator

ORDINANCE NO. 92-1

AN ORDINANCE OF THE CITY OF TRINIDAD IMPOSING A TOURIST OCCUPANCY TAX.

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1

There is hereby added to the Trinidad Municipal Code, a new Chapter, Chapter 3.20 - Tourist Occupancy Tax, which shall read as follows:

3.20.010 Citation of Provisions. This chapter shall be known as the Uniform Tourist Occupancy Tax Ordinance of the City.

3.20.020 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Lodging house" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location except when located within a mobile home park or R/V Park, or other similar structure or portion thereof.

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

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

D. "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.

E. "Rent" means the consideration charged, whether or not received, for the occupancy of space for lodging valued in money, including all receipts, cash, credits and property services of any kind or nature, without any deduction therefrom whatsoever.

F. "Tax Administrator" means the City Clerk.

G. "Tourist" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar day, or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a tourist until the period of thirty (30) has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

3.20.030 Imposed--Rate. For the privilege of occupancy in any lodging, each tourist is subject to, and shall pay, a tax in the amount of six (6%) percent of the rent charged by the operator. The tax constitutes a debt owed by the tourist to the City. The tourist shall pay the tax to the operator of the hotel 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 tourists ceasing to occupy space in the lodging house. If for any reason the tax due is not paid to the operator of the lodging house, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

3.20.040 Collection Required. 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 tourist. The amount of tax shall be separately stated from the amount of the rent charged, and each tourist shall receive a receipt for payment from the operator. No operator of a lodging house 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 provided under this chapter.

3.20.050 Registration Certificate--Required--Contents.

A. Within thirty (30) days after the effective date of this chapter, or within thirty (30) days after commencing business, whichever is later, each operator of any lodging house renting occupancy to tourists shall register such lodging house with the Tax Administrator and obtain from him, a Tourist

Occupancy Registration Certificate to be at all times posted in a conspicuous place on the premises.

B. Such certificate shall, among other things, state as follows:

1. Name of the operator;

2. The address of the lodging house;

3. The date upon which the certificate was issued; and

4. This Tourist Occupancy Registration Certificate signifies that the person named on the face thereof has fulfilled the requirements of the Uniform Tourist Occupancy Tax Ordinance by registering with the Tax Administration for the purpose of collecting from tourists the Tourist 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 lodging house without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit.

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

3.20.070 Failure to promptly remit tax--Penalties.

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

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

percent of the amount of the tax in addition to the tax and the ten (10%) percent penalty first imposed.

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

D. **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 off one-half of one (1/2 of 1%) 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 provision of this section shall become a part of the tax required to be paid under this chapter.

3.20.080 Assessments Against Operators--Notice and Hearing.

A. If any operator fails or refuses to collect such tax and to make, within the time provided in this chapter, any report and remittance of such tax or any portion thereof required by this chapter, the Tax Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due.

B. As soon as the Tax Administrator procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter.

C. 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 his last known place of address. Such operator may within ten (10) days after the serving and 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.

D. If such application is made, the Tax Administrator shall give not less than five (5) days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in such notice why such amount

specified therein should not be fixed for such tax, 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.

E. After such hearing, the Tax Administrator shall determine in the manner prescribed in this section of such determination and the amount of such tax, interest, and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in this chapter.

3.20.090 Appeals. Any operator aggrieved by any decision of the Tax Administration with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing Notice of Appeal with the City Clerk within fifteen (15) days of the service or mailing of the determination of tax due. The City Council shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator at this last known place of address. The findings of the City Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed in Section 3.20.080 for service of Notice of Hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.20.100 Recordkeeping. It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this chapter to keep and preserve, for a period of five (5) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the Tax Administrator shall have the right to inspect at all reasonable times.

3.20.110 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in Subsections B and C of this section provided a claim in writing therefore, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within three (3) years of the date of payment.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a tourist; 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 tourist or credited to rent subsequently payable by the tourist to the operator.

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

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

3.20.120 Tax Deemed Debt to City--Action by City to Collect.

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

3.20.130 Violation--Penalty.

A. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be punishable therefor by a fine of not more than Five Hundred ($500.00) Dollars or by imprisonment in the County Jail for a period of not more than six (6) months or by both such fine and imprisonment.

B. Any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Tax Administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor and is punishable as set forth in Subsection A of this section. Any person required to make, render, sign, or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made is guilty of a misdemeanor and is punishable as set forth in Subsection A of this section.

Section 2

This Ordinance shall take effect April 1, 1992, which is thirty (30) days after its passage.

Passed, approved, and adopted this 15th day of February, 1992, by the following vote:

AYES: Kenny, Bernard, Odom, Rotwein

NOES:

STEPPED DOWN: McCARTY

ABSENT:

APPROVED

Bryce Kenny, Mayor

ATTEST

Janelle Case, Clerk

## Title 4

(RESERVED)

# Title 5

## BUSINESS TAXES, LICENSES AND REGULATIONS

Chapters:


5.04 Business Licenses Generally
5.08 Bingo
5.12 Cable Television Franchises
5.16 Commercial Filmmaking
5.20 Onshore Support Facilities
5.24 Pool Rooms, Billiard Rooms and Card Rooms


## Chapter 5.04

## BUSINESS LICENSES GENERALLY

Sections:


5.04.010 Purpose.
5.04.020 Definitions.
5.04.030 License--Required.
5.04.040 License--Contents.
5.04.050 License--Tax.
5.04.060 Delinquency.
5.04.070 Proration.
5.04.080 License--Duration.
5.04.090 Limitations on issuance and tax.
5.04.100 Separate license required for branch establishments.
5.04.110 Joint licenses for multiple businesses.
5.04.120 License--Duplicate.
5.04.130 License--Transfer.
5.04.140 License--Posting.
5.04.150 License--Refunds.
5.04.160 License--Application--Issuance.
5.04.170 Application for first license.
5.04.180 License--Application--Renewal.
5.04.190 Statements not conclusive.
5.04.200 Information confidential.
5.04.210 License--Application--Incomplete information--Tax determination.
5.04.220 License--Appeal.
5.04.230 Additional power of city council and city clerk.
5.04.240 Licenses--Revocation.
5.04.250 License--Tax.
5.04.260 License tax--Exemptions.
5.04.270 Exclusions.
5.04.280 Substitute for other revenue acts.

5.04.290 Effect of chapter on past actions and obligations.
5.04.300 Unexpired previously issued licenses.
5.04.310 License tax a debt.
5.04.320 Remedies for failure to pay tax.
5.04.330 Effect of mistake.
5.04.340 Evidence of liability.
5.04.350 Administration of oaths.
5.04.360 Violation--Penalty.

5.04.010 Purpose--Revenue measure. This chapter is enacted solely to raise revenue for municipal purposes, and is not intended for regulation. (Ord. 84-179 §2, 1984)

5.04.020 Definitions. For purposes of this chapter unless it is plainly evident from the context that a different meaning is intended, the words and phrases used herein shall have meanings as hereinafter set forth:

"Average number of persons employed" means the average number of persons employed daily in the applicant's business during the previous year within the city and shall be determined by ascertaining the total number of hours of service performed by all employees within Trinidad during the previous year, and dividing the total number of hours 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 computing the average number of persons employed fractions of numbers shall be excluded by rounding to the nearest whole number.

"Business" means and includes professions, trades, and occupations and all and every kind of calling carried on for profit or livelihood.

"Employee" means all persons engaged in the operation or conduct of any business, whether as owner, any member of owner, any member of the owner's family, partner, agent, manager, solicitor, broker, salesperson and any and all other persons employed or working in said business.

"Fixed place of business" means the premises occupied in the city for the particular purpose of conducting a business thereat and regularly kept open for that purpose with a competent person in attendance for the purpose of attending to said business.

Gender. Whenever the masculine is used in this chapter it shall also include the feminine.

"Newly established business" means a business in existence and operation for less than three months.

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

Singular and Plural. Whenever the singular is used in this chapter it shall also include the plural.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. 84-179 §3, 1984)

5.04.030 License--Required. A. There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter, license taxes in the amounts hereinafter prescribed by resolution of the city council. No person shall transact and carry on any business, trade, or profession, calling or occupation in the city without first having procured a license or without first having paid to the city the business license tax provided herein.

B. The issuance of a license under this chapter shall not entitle the licensee to engage in any business which for any reason is in violation of any law or ordinance and shall not entitle the holder thereof to carry on any business unless he has complied with all the requirements under other ordinances of the city and all other applicable laws, nor shall it entitle the licensee to carry on any business in any building or on any premises designated in such license in the event that such business is in violation of any law or ordinance. (Ord. 84-179 §4, 1984)

5.04.040 License--Contents. All licenses shall be prepared and issued by the city clerk of the city, upon payment of the sum to be paid therefor, and each license so issued shall state upon the face thereof the following:

A. The name under which the business operates or will operate;

B. The name of the person to whom the license is issued or who will be responsible for compliance of the business with applicable laws of the city;

C. The location of such business (street address);

D. The mailing address of the business;

E. The date of the expiration of such license;

F. The kind or kinds of business conducted on the premises;

G. Such other information as the city clerk may require. (Ord. 84-179 §5, 1984)

5.04.050 License--Tax. All license taxes due hereunder shall be paid in advance, in lawful money of the United States, at the office of the city clerk. The amount of the license tax shall be set from time to time by resolution of the city council. (Ord. 84-179 §6, 1984)

5.04.060 Delinquency. All license taxes due hereunder shall be due and payable, and delinquent as follows:

A. Daily License: Due on its effective date and delinquent at five p.m. of due date;

B. Monthly License: Due on the first day of each month for which license is sought and delinquent at five p.m. on the tenth day of the month;

C. Quarterly License: Due on the first day of July, October, January and April. Delinquent at five p.m. on the twentieth day of the first month in which the quarterly license is due.

D. Semi-annual License: Due on the first day of January and July. Delinquent at five p.m. the last day of the first month in which the semi-annual license is due.

E. Annual license: Due on the first day of July, delinquent at five p.m. on July 31st.

To all delinquent licenses there shall be added a penalty of ten percent of the amount of the tax due for the period, and an additional ten percent for each month delinquent thereafter, providing that the amount of such penalty to be added shall in no event exceed fifty percent of the amount of the license tax due. (Ord. 84-179 §7, 1984)

5.04.070 Proration. No proration of any license due hereunder shall be made for any portion of the period for which a license is payable, except in the case of the first annual license the tax may be prorated as follows:

A. If the application is made during the quarter beginning July first, one hundred percent of such fee shall be paid;

B. If application is made during the quarter beginning October first, seventy-five percent of such fee shall be paid;

C. If application is made during the quarter beginning January first, fifty percent of such fee shall be paid;

D. If application is made during the quarter beginning April first, twenty-five percent of such fee shall be paid. (Ord. 84-179 §8, 1984)

5.04.080 License--Duration. No license shall be issued for a period extending beyond the 30th day of June following issuance. All semi-annual licenses shall expire either on December 31st or June 30th, whichever occurs first following the date of issuance. (Ord. 84-179 §9, 1984)

5.04.090 Limitations on issuance and tax. No greater or lesser amount of money shall be charged or received for any license tax than provided for in this chapter and no license shall be sold or issued for any period of time other than provided for in this chapter provided, that this section shall not refer to such penalties as are herein provided for. (Ord. 84-179 §10, 1984)

5.04.100 Separate license required for branch establishments. Separate licenses must be obtained for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business, and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in each license; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. (Ord. 84-179 §11, 1984)

5.04.110 Joint licenses for multiple businesses. If two or more businesses are conducted on the same premises by the same person and such businesses are subject to tax on a per employee basis only one license shall be required based upon the total number of employees employed. (Ord. 84-179 §12, 1984)

5.04.120 Licenses--Duplicate. Duplicate licenses may be issued by the city clerk to replace any license previously issued which has been lost or destroyed, upon the licensee filing an affidavit attesting to such fact, and at the time of filing such affidavit paying to the city clerk the sum of two dollars. (Ord. 84-179 §13, 1984)

5.04.130 License--Transfer. No license issued pursuant to this chapter shall be transferred, except that when a licensee transfers his business from one location to another in the city the license previously issued may be amended to authorize the conduct of the business at the new location and provided, further that a license issued under any provision of this chapter to a person having a fixed place of business in the city may be transferred or assigned to any other person. The license transfers and amendments herein authorized may be obtained upon application therefor to the city clerk and the payment of the sum of two dollars. (Ord. 84-179 §14, 1984)

5.04.140 License--Posting. All licenses must be kept and posted in the following manner:

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

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his person or in his vehicle at all times while transacting and carrying on such business. (Ord. 84-179 §15, 1984)

5.04.150 License--Refunds. No refunds will be made on any amount paid as a license tax, except in case of an error on the part of the city in the determination of the amount of the license tax. (Ord. 84-179 §15, 1984)

5.04.160 License--Application--Issuance. A. Every person required to have a license under the provisions of this chapter shall make application for the same to the city clerk of the city. Such application shall be a written statement upon a form provided by such city clerk and shall be signed by the applicant under penalty of perjury or sworn to by the applicant before a person authorized to administer oaths. The application shall set forth such information as may be necessary to properly determine the amount of the license tax to be paid by the applicant.

B. If the amount of the license tax to be paid by the applicant is based upon the average number of employees, such application shall set forth the average number of employees for the applicable period as provided for in this chapter. (Ord. 84-179 §17, 1984)

5.04.170 First license--Application. A. Every person making application for a first license shall pay to the city clerk at least the minimum license tax for the business in which he is engaged.

B. The license tax thus paid shall be tentative only, and such person shall, within thirty days after the expiration of the period for which such license was issued, furnish the city clerk with a sworn statement upon a form, to be provided by such city clerk, setting forth such information as may be therein required and showing, during the period of such license the average number of employees, the number of vehicles used by such person or the number of tables, alleys, or other devices used for any game, etc., or other applicable basis. The license tax shall be ascertained and paid upon such applicable basis, credit being given for the minimum license tax previously paid. (Ord. 84-179 §18, 1984)

5.04.180 License--Renewal--Application. In all cases, the applicant for the renewal of a license shall submit to the city clerk for its guidance in ascertaining the amount of the license tax to be paid by the applicant, a written statement, upon a form to be provided by such city clerk, signed under penalty of perjury, or sworn to before a person authorized to administer oaths. The statement shall set forth such information concerning the type of the applicant's business, the number of employees during the preceding year therein or other applicable basis as may be required by the city clerk to enable it to ascertain the amount of the license tax to be paid by said applicant

pursuant to provisions of this chapter. (Ord. 84-179 §19, 1984)

5.04.190 Statements not conclusive. No statement shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. (Ord. 84-179 §20, 1984)

5.04.200 Information confidential. A. The information furnished or secured pursuant to the provisions of this chapter shall be deemed confidential in character, except that which is shown on the face of the license itself, and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this chapter.

B. Unless in compliance with judicial order or as may be required for the proper administration of this chapter, the city clerk, its agents and employees, shall not divulge facts or information obtained in the administration hereof. (Ord. 84-179 §21, 1984)

5.04.210 License--Application--Incomplete information--Tax determination. A. If any person fails to file any required statement within the time prescribed, or, if, after demand therefor has been made by the city clerk, he fails to file a corrected statement within fifteen days after notification to do so, or it appears to the satisfaction of the city clerk that a statement filed does not set forth the true facts of the business for which a license is required, the city clerk shall determine the amount of license tax due from such person by means of such information as it may be able to obtain.

B. In case such determination is made, the city clerk shall give notice of the amount so assessed by serving it personally or by depositing it in the U.S. Post Office at Trinidad, California, postage prepaid, addressed to the person so assessed at the address appearing on his last license or application. Such person may, within ten days after serving or mailing of such notice, make application in writing to the city clerk for hearing before the city clerk on the amount of the license tax. If such application is made, the city clerk shall give not less than five days' written notice, in the manner prescribed herein, to the licensee to show cause, at a time and place fixed in said notice, why said amount specified therein should not be fixed for such license. At such hearing the licensee may appear and offer evidence why such specified tax should not be fixed as the license tax. After such hearing the city clerk shall determine the proper tax to be charged and shall forthwith make

written notice to the licensee in the manner prescribed herein of such determination and the amount of such tax.

C. If application by the licensee for hearing is not made within the time prescribed, the license tax determined by the city clerk shall become final and conclusive. (Ord. 84-179 §22, 1984)

5.04.220 License--Appeal. A. In case of undue hardship arising from the enforcement and operation of the provisions of this chapter, a licensee may apply to the city council of the city for such relief or adjustment as the city council may see fit.

B. Any person aggrieved by any decision of the city clerk with respect to the issuance or refusal to issue a license, or the amount of a license tax may appeal to the council by filing a notice of appeal with the city clerk within fifteen days of such decision. The council shall fix a time and place of hearing such appeal and the city clerk shall give notice in writing to such person of the time and place of hearing by serving it personally or by depositing it in the U.S. Post Office at Trinidad, California, postage prepaid, addressed to such person at the address appearing on his last license or application. The findings of the council shall be served upon the applicant in the manner prescribed above for service of notice of hearing.

C. The amount of any license tax finally determined as provided in this section or Section 5.04.210 shall be due and payable as of the date the original license fee was due and payable, together with any penalties that may be due thereon; provided however, if the amount of such license tax shall be fixed in accordance with the original statement of the applicant, then no penalty shall attach by reason of any delinquency. (Ord. 84-179 §23, 1984)

5.04.230 Additional power of city council and city clerk. A. In addition to all other power conferred upon him, the city clerk shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the council, to compromise any claim as to amount of license tax due.

B. The city council shall have the power to totally or partially waive the customary fee as set forth elsewhere in its chapter, for one-time events or other infrequent or annual occurrence for which a fee would otherwise be payable, if it is deemed by the city council that such action would be in the best interests of the community. (Ord. 84-179 §24, 1984)

RESOLUTION 93 2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING THE BUSINESS LICENSE FEES

WHEREAS, pursuant to Section 5.04.250 of the Municipal Code, the City Council may from time to time amend and change it's license fees; and

WHEREAS, the City Council now desires to raise it's Business License fees for all businesses in the City of Trinidad;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the annual Business License fee shall be established at (See Exhibit "A" attached.)

PASSED, approved and adopted by the Council of the City of Trinidad, County of Humboldt, State of California on the 10th day of February, 1993, by the following vote:

AYES: KENNY, ODOM, SAUNDERS

NOES: KIRK.

ABSENT: ROTWEIN

ATTEST:

Janelle Case
City Clerk
City of Trinidad

APPROVED:

J. Bryce Kenny
Mayor
City of Trinidad

EXHIBIT "A"

The Following schedule of fees is established for the conduct of all businesses, trades and professions within the City:

A) Every person, whether or not having a fixed place of business within the City of Trinidad, who delivers goods, wares, or merchandise of any kind or performs services within the City, and who grosses over $100/month, shall pay an annual license fee of $37.50 per year. Every such person who grosses $100 or less per month shall pay an annual license fee of $20.00.

B) For every person conducting or carrying on a business consisting of selling any goods, wares and merchandise or commodities, or services, or conducting or carrying on any profession, trade or occupation, calling or business not otherwise specifically licensed by other subdivisions of this resolution, shall pay an annual license fee of $45.00 per year.

C) For every person carrying on the business of renting residences or apartments the annual license fee shall be $45.00 each per year for the first 5 units and $5.00 per year for each additional unit over 5.

D) For every person carrying on the business of renting trailer spaces the annual license fee shall be $67.50 each per year for the first five spaces and $4.00 per year for each additional space over 5 spaces.

E) Every person having a residence in the City of Trinidad and carrying on the business of commercial fisherman shall pay an annual license fee of $ 45.00.

F) For every person carrying on any business, trade, profession or calling for one day, the license fee shall be $ 10.00 for that day.

G) The following are exempted from the payment of a license fee under this resolution, only when prior written City Council is obtained,

i) Any charitable institution, organization, or association organized and conducted for charitable purposes only.

ii) Any person conducting, carrying on or staging any concert exhibition, lecture, dance, amusement or entertainment or sale where receipts, if any derived therefrom, are to be used solely for charitable or benevalent purposes and not for private gain or for the private gain of any person in whole or part.

H) Every person carrying on the business of operating a food market shall pay an annual license fee of $ 90.00.

I) Every person carrying on the business of operating an automobile service station shall pay an annual license fee of $ 90.00.

J) Every person carrying on the business of operating a public or private telephone communications system shall pay an annual license fee of $ 90.00.

K) Every person carrying on the business of operating a restaurant shall pay an annual license fee of $ 45.00.

L) The penalty for any person who fails to pay a license fee is required by this resolution shall be 100% of the applicable license fee if said fee is not paid within 10 days after July 1, of each year.

M) This resolution shall be effective immediately upon its passage.

ATTEST:

Janelle Case
City Clerk
City of Trinidad

APPROVED:

J. Bryce Kenny
Mayor
City of Trinidad

CLERK"S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 93-2 passed and adopted at a regular meeting of the City Council of the City of Trinidad, California, held on the 10th day of February 1993, by the following vote:

AYES: KENNY, ODOM, SAUNDERS

NOES: KIRK

ABSENT: ROTWEIN

Janelle Case, City Clerk

5.04.240 Licenses--Revocation. Any license issued under the provisions of this chapter may be revoked by the city clerk upon the failure on the part of the licensee to pay the charges imposed by this chapter or to file the application or statements required by this chapter. (Ord. 84-179 §25, 1984)

5.04.250 License--Tax. The amount of license taxes to be paid to the city by any person engaged in or carrying on any profession, trade, calling, occupation or business hereinafter designated is that which is hereby fixed and established by resolution of the city council. Such license tax shall be paid by every person engaged in carrying on or maintaining such profession, trade, occupation, calling or business in the city. (Ord. 84-179 §26, 1984)

5.04.260 Exemptions. The following are exempted from the payment of a license tax under this chapter:

A. Any charitable institution, organization, or association organized and conducted for charitable purposes only;

B. Any person conducting, carrying on or staging any concert, exhibition, lecture, dance, amusement or entertainment or sale where the receipts, if any derived therefrom, are to be used solely for charitable or benevolent purposes and not for private gain or for the private gain of any person in whole or in part;

C. Any religious, fraternal, education, military, state, county or municipal organization or association conducting, carrying on or staging any amusement or entertainment, concert, exhibition, lecture, dance or athletic event or sale when the receipts derived are to be wholly for the benefit of such organization and not in the whole or any part for private gain of any person.

D. Any doctor, dentist, veterinarian, lawyer, accountant, architect, engineer or other professional person not having a fixed place of business within the city who is called upon to come to the city to render services.

E. Any person whose annual gross receipts from any and all businesses are five hundred dollars or less per year;

F. Any person conducting not more than one yard sale in any one fiscal year.

The city clerk may revoke any exemption granted pursuant to the provisions of this chapter upon information that the licensee is not entitled to the exemption as provided therein. In such revocation the procedure to be followed and right of appeal shall be as provided in Section 5.04.220 of this chapter for the determination of a disputed tax. (Ord. 87-191 §1, 1987; Ord. 84-179 §27, 1984)

5.04.270 Exclusions. Except as may be otherwise specifically provided in this chapter, the terms hereof shall

not be deemed construed to apply to any of the following persons:

A. Any public utility which makes payments to the city under a franchise or similar agreement;

B. Insurance companies and associations to the extent that a city may not levy a license tax upon them under the provisions of Article XIII, Section 28 of the state constitution;

C. Any person whom the city is not authorized to license under any law or constitution of the United States or the state;

D. The city clerk may require the filing of a verified statement from any person, claiming to be excluded by the provision of Sections 5.04.260 or this section which statement shall set forth all facts upon which the exclusion is claimed. (Ord. 89-204 §§2(G), (H), 1989; Ord. 84-179 §28, 1984)

5.04.280 Substitute for other revenue acts. Any person required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business which has been required under any other ordinance or provision of the city, and shall remain subject to the regulatory provisions of such other ordinance. (Ord. 84-179 §29, 1984)

5.04.290 Effect of chapter on past actions and obligations. Neither the adoption of this chapter nor its superseding of any portion of any other chapter of the city shall in any manner be construed to affect prosecution for violation of any other law of the city committed prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance or provision of the city to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect. (Ord. 84-179 §30, 1984)

5.04.300 Unexpired previously issued licenses. Any person who on the effective date of the ordinance codified in this chapter has a valid unexpired license for any business issued by the city under the provision of any ordinance heretofor enacted, shall receive credit on the amount of the license tax imposed by this chapter for a portion of the license tax previously paid based upon the unexpired portion of the period for which such previous license was issued. In the event that the prorata credit on an unexpired license is greater than the license tax required by this chapter, then and in that event the amount of the license tax under this chapter shall be the amount of the credit for the

unexpired license fee or fees paid under each other ordinance or ordinances. (Ord. 84-179 §31, 1984)

5.04.310 License tax a debt. The amount of any license tax and penalty imposed by the provisions of this chapter shall be deemed a debt to the city, and any person carrying on any business without first having procured a license from said city to do so shall be liable to an action in the name of said city in any court of competent jurisdiction for the amount of the license tax and penalties imposed on such business. (Ord. 84-179 §32, 1984)

5.04.320 Remedies for failure to pay tax. The conviction of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license tax to conduct such business, nor shall the payment of any license tax prevent a criminal prosecution for the violation of any of the provisions of this chapter, all remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof. (Ord. 84-179 §33, 1984)

5.04.330 Effect of mistakes. In no case shall any mistake made by the city in stating the amount of a license tax prevent or prejudice the collection by the city of what shall be actually due from anyone carrying on a business subject to a license tax under this chapter. (Ord. 84-179 §34, 1984)

5.04.340 Evidence of liability. In any action brought under or arising out of any of the provisions of this chapter, or any resolution imposing a license tax, the fact that a party thereto represented himself as engaged in any business or calling for the transaction of which a license is required, or that such party exhibited a sign indicating such business or calling, shall be presumptive evidence of the liability of such party to pay for a license for such business. (Ord. 84-179 §35, 1984)

5.04.350 Administration of oaths. A. It shall be the duty of the city clerk, his deputy, agents, and/or employees, and they and each of them are directed to enforce each and all of the provisions of this chapter. Each department of the city which issues permits for work to be done shall require the production of a valid unexpired business license prior to the issuance of such a permit.

B. The city clerk in the exercise of the duties imposed upon him hereunder and acting through his deputies or duly authorized assistants, may examine or cause to be examined all places of business including personnel records

of said business in the city to ascertain whether the provisions of this chapter have been complied with. A complaint may be filed by the city clerk or any of his deputies or authorized assistants against any and all persons found to be in violation of any of said provisions. (Ord. 84-179 §36, 1984)

5.04.360 Violation--Penalty. Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of this city any material fact in procuring the license or permit herein provided for shall be deemed guilty of an infraction. (Ord. 84-179 §37, 1984)

## Chapter 5.08

## BINGO

Sections:

5.08.010 Authority.
5.08.020 Bingo defined.
5.08.030 Certificate required to conduct games.
5.08.040 Minors.
5.08.050 Open to the public.
5.08.060 Staffing and operation.
5.08.070 No profit, wage or salary.
5.08.080 Location of games.
5.08.090 Bingo equipment.
5.08.100 Financial interest in games.
5.08.110 Separate fund for bingo accounts.
5.08.120 Records.
5.08.130 Total value of prizes.
5.08.140 Physical presence of game participants.
5.08.150 Hours of operation.
5.08.160 Authority to inspect premises and records.
5.08.170 Permit--Required.
5.08.180 Permit--Application.
5.08.190 Notice and hearing by city council.
5.08.200 Final action by the city council.
5.08.210 Permit--Denial.
5.08.220 Permits and licenses nontransferable.
5.08.230 Permit--Revocation or suspension.
5.08.240 Notice, hearing on revocation, suspension.
5.08.250 Violation--Penalty.

5.08.010 Authority. Pursuant to the authority provided in Section 19(c) of Article IV of the California State Constitution and Section 326.5 of the Penal Code, the city establishes the following requirements for the conduct of

bingo games by nonprofit charitable organizations in the city. (Ord. 156 §1, 1977)

5.08.020 Bingo defined. As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random. (Ord. 156 §2, 1977)

5.08.030 Certificate required to conduct games. No person, organization or other legal entity shall be permitted to conduct bingo games in the city unless such persons, organizations or other legal entities possess a valid certificate or letter from the Franchise Tax Board and the Internal Revenue Service stating that they are exempted from the payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code and that a contribution or gift to them would be a charitable contribution under Section 179(c) (2) of the Internal Revenue Code of 1954, and possess a valid permit issued pursuant to the provisions of this chapter. (Ord. 156 §3, 1977)

5.08.040 Minors. No minors shall be allowed to participate in any bingo game. (Ord. 156 §4, 1977)

5.08.050 Open to the public. All bingo games shall be open to the public, not just to the members of the nonprofit charitable organization. (Ord. 156 §5, 1977)

5.08.060 Staffing and operation. A bingo game shall be operated and staffed only by members of the nonprofit charitable organization which organized it. Only an organization authorized to conduct a bingo game by permit issued pursuant to this chapter shall operate such game, or engage in the promotion, supervision, or any other phase of such game. (Ord. 156 §6, 1977)

5.08.070 No profit, wage or salary. No person or agent of such person shall receive a profit, wage, salary, or other income from any bingo game authorized by this chapter, except as a bona fide prize received as a participant in such bingo game. (Ord. 156 §7, 1977)

5.08.080 Location of games. A nonprofit, charitable organization shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization solely for an office or for performance of the purposes for which the organization is organized. (Ord. 156 §8, 1977)

5.08.090 Bingo equipment. All equipment used in the operation of bingo games shall be owned by the organization

authorized by permit and license to conduct such bingo games. (Ord. 156 §9, 1977)

5.08.100 Financial interest in games. No individual corporation, partnership, or other legal entity except the organization authorized by permit to conduct a bingo game shall hold a financial interest in the conduct of such bingo games. (Ord. 156 §10, 1977)

5.08.110 Separate fund for bingo accounts. All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. (Ord. 156 §11, 1977)

5.08.120 Records. Each organization conducting a bingo game shall maintain detailed records of all profits, expenditures, prizes and other expenses associated with the operation of bingo games. The records shall be retained for such period of time as required by state and federal law and for a period of three years for the purposes of this chapter. (Ord. 156 §12, 1977)

5.08.130 Total value of prizes. The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred and fifty dollars in cash or kind, or both, for each separate game which is held. (Ord. 156 §13, 1977)

5.08.140 Physical presence of game participants. No person shall be allowed to participate in a bingo game unless such person is physically present at the time and place at which the bingo game is being conducted. (Ord. 156 §14, 1977)

5.08.150 Hours of operation. All bingo games shall be conducted only during the hours of noon to midnight. (Ord. 156 §15, 1977)

5.08.160 Authority to inspect premises and records.
A. The chief of police shall have the authority to inspect the premises in order to insure that the operation of bingo games at the premises does not constitute a violation of any state or federal law or provision of this chapter.
B. The chief of police may inspect the records and special bank accounts containing profits derived from bingo games of any organization conducting bingo games whenever deemed reasonable and appropriate to insure compliance with the provisions of this chapter. (Ord. 156 §17, 1977)

5.08.170 Permit--Required. No person or organization shall conduct a bingo game without first obtaining a permit from the city council to do so. (Ord. 156 §18, 1977)

5.08.180 Permit--Application. Written application for a permit required by this chapter shall be made by affidavit under penalty of perjury and filed with the city clerk. Such application shall contain:

A. Name of organization; names, signatures and addresses of all the officers of the organization;

B. Days and hours of operation of bingo games;

C. Attached copies of certificates or letters evidencing exempt status under Section 23701d of the Revenue and Taxation Code and Section 170(c) (2) of the Internal Revenue Code of 1954, received from the Franchise Tax Board and the Internal Revenue Service;

D. Address of premises where bingo games will be conducted;

E. Statement of ownership or lease of premises;

F. Purpose(s) for which such premises are used by the organization;

G. Statement of ownership of bingo equipment used in the operation of bingo games;

H. Statement of consent for chief of police to inspect any bank accounts containing profits derived from bingo games;

I. Name of each individual, corporation, partnership or other legal entity which has a financial interest in the conduct of bingo games;

J. Name of person responsible for the operation of the bingo games;

K. Such further information as may be required by the city council. (Ord. 156 §19, 1977)

5.08.190 Notice and hearing by city council. The city clerk shall set the time and place for public hearing on each application for a bingo permit and shall mail notice thereof to the applicant and to any other person who has filed a written request for such notice. (Ord. 156 §20, 1977)

5.08.200 Final action by the city council. A. At the time place set for public hearing on the application for a bingo permit, the city council shall consider the records, papers, files and any other evidence it deems relevant and shall render its decision either granting or denying the permit.

B. If the permit is approved, the city council may include such restrictions and conditions in the permit as the council deems reasonable and necessary under the circumstances to insure compliance with the purposes and intent of this chapter. (Ord. 156 §21, 1977)

5.08.210 Permit--Denial. The city council may refuse to issue a permit if, after consideration of the application and any other papers, records and files it deems relevant,

it is determined that the operation of a bingo game would be injurious to the health, safety and morals of the people of the city, or that the permit application or proposed mode of operation of the bingo game is not in compliance with the provisions of this chapter. (Ord. 156 §22, 1977)

5.08.220 Permits and licenses nontransferable. Permits granted under this chapter shall not be transferable, either as to the permittee or the location. Any attempt to transfer shall render the permit in question invalid. (Ord. 156 §23, 1977)

5.08.230 Permit--Revocation or suspension. Any permit issued under this chapter may be suspended or revoked by the city council on its own motion or an application of the chief of police for violation of any of the provisions of this chapter, or any provisions of federal or state law. (Ord. 156 §24, 1977)

5.08.240 Notice, hearing on revocation, suspension. The holder of a bingo permit shall be given prompt notice of revocation or suspension of the permit and shall immediately desist from conducting or operating any bingo game. The notice shall fix a time and place, not less than five nor more than sixty days after service thereof, at which time the holder of the permit may appear before the city council and be granted a hearing upon the merits of the suspension or revocation. (Ord. 156 §25, 1977)

5.08.250 Violation--Penalty. A. Any person who violates Sections 5.08.040 through 5.08.060, 5.08.080 through 5.08.140, 5.08.170 and 5.08.180 shall be guilty of a misdemeanor, and any person, upon conviction thereof, shall be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

B. A violation of Section 5.08.070 be punishable by a fine not to exceed ten thousand dollars, which fine shall be deposited in the city general fund. (Ord. 156 §16, 1977)

## Chapter 5.12

## CABLE TELEVISION FRANCHISES

Sections:

5.12.010 Purpose.
5.12.020 Definitions.
5.12.030 Franchise--Grant--Licensee.

5.12.040 Basic service.
5.12.050 Nonbasic service.
5.12.060 Subscriber complaints.
5.12.070 Municipal service.
5.12.080 Compatibility and connectibility.
5.12.090 Permitted uses.
5.12.100 Franchise payments--Procedure--Inspection of records.
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5.12.120 Franchise application--Contents--Fee.
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5.12.320 Regulations governing street work apply to grantee.
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5.12.400 Changes in construction plans.
5.12.410 Responsibility of construction conditions--Inspection.
5.12.420 Waiver of claims for damages against city.
5.12.430 Violation--Penalty.

5.12.010 Purpose. A nonexclusive franchise to construct, operate and maintain a community cable television

system within all or any portion of the city may be granted by the city council to any person, whether operating under an existing franchise or not, who offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter and Section 53066 of the California Government Code. (Ord. 171 §1, 1981)

5.12.020 Definitions. For the purposes of this chapter, the following terms, phrases, word abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

"Cable television system," "CATV" and "CTV," for the purpose of this chapter, are terms describing a system employing antennae, microwave, wires, wave-guides, coaxial cables, or other conductors, lines, towers, laser beam, fiber optics, multiple distribution system, satellite, or other equipment or facilities designed, constructed, or used for the purpose of:

1. Collecting and amplifying local and distant broadcast television or radio signals and distributing and transmitting them;

2. Transmitting original television cablecast programming not received through television broadcast signals;

3. Transmitting television pictures, film and videotape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers;

4. Transmitting and receiving all other signals: digital, voice, and audio-visual;

provided, however, that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined, in the operation of a cable television or CATV system franchised by the city and not otherwise, but shall not include any systems limited solely to the transmission of voice, digital, and audio visual signals not received through broadcast over wires which are owned by a company licensed and regulated by the Public Utilities Commission of the state of California.

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

"Clerk" means the city clerk of the city of Trinidad.

"Council" means the governing body of the city of Trinidad or any future board constituting the legislative body of the city.

"Franchise" means and includes any authorization granted hereunder in terms of a franchise, privilege,

permit, license or otherwise to construct, operate and maintain a cable television system within all or a specified area in the
city. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the city as required by other ordinances and laws of this city.

"Grantee" means the person, firm or corporation granted a franchise by the Council under this chapter, and the lawful successor, transferee, or assignee of said person, firm or corporation.

"Gross receipts" means any and all compensation, in whatever form, grant, subsidy, exchange, or otherwise, directly or indirectly received by a grantee, from any and all sources, including that from subscribers, advertising, studio and equipment rental and other leasing, and all other receipts received by grantee in the operation of the cable television system.

"Person" means any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, and societies.

"Property of grantee" means all property owned, installed, or used within the city by a grantee in the conduct of a cable television system business under the authority of a franchise granted pursuant to this chapter.

"Street" means the surface, the air space above the surface, and the area below the surface of any public street, other public right of way or public place, including public utility easements.

"Subscriber" or "user" means any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's original cablecasting, and the local government, education and public access channels; and other services, such as leasing of channels, data and facsimile transmission, pay television, and police, fire and similar public service communication. (Ord. 171 §2, 1981)

5.12.030 Franchise--Grant--License. A. 1. A nonexclusive franchise to install, construct, operate and maintain a cable television system on streets within all or a specific portion of the city may be granted by the council to any person, including one operating under an existing franchise, who offers to furnish and provide such system under and pursuant to the terms of this chapter.

2. No provision of this chapter may be deemed or construed as to require the granting of a franchise when in

the opinion of the council it is in the public interest to restrict the number of Grantees to one or more.

B. When and in the event that the grantee of any franchise granted hereunder used in his cable television system distribution channels furnished to the grantee by a telephone company pursuant to tariff or contract on file with a regulatory body having jurisdiction and said grantee makes no use of the streets independent of such telephone company-furnished facilities, said grantee shall be required to comply with all of the provisions hereof as a "Licensee" and in such event whenever the term "Grantee' is used herein it shall be deemed to mean and include "Licensee". (Ord. 171 §3, 1981)

5.12.040 Basic service. The cable television system permitted to be installed and operated hereunder shall:

A. Be operationally capable of relaying to subscriber terminals those television and radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the Federal Communications Commission;

B. Distribute color television signals which it receives in color;

C. Provide at least one channel, without charge, for exclusive use of the city;

D. Provide at least one channel each for those educational and public access uses as now or hereafter required by the Federal Communications Commission for systems operating in the top one hundred markets;

E. Have a minimum capacity of twelve channels. (Ord. 171 §4(a), 1981)

5.12.050 Nonbasic services. The cable television system permitted to be installed and operated hereunder, may also engage in the business of:

A. Transmitting original cablecast programming not received through television broadcast signals;

B. Transmitting television pictures, film and videotape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers;

C. Transmitting and receiving all other signals: digital, voice, and audio-visual. (Ord. 171 §4(b), 1981)

5.12.060 Subscriber complaints. In addition to other service regulations adopted by the council, and excepting circumstances beyond grantee's control, such as acts of God, riots and civil disturbances, and in providing the foregoing services, the grantee shall:

A. Limit system failures to minimum time duration by locating and correcting malfunctioning promptly, but in no

event longer than twenty-four hours after occurrence, irrespective of holidays or other nonbusiness hours;

B. Upon complaint by a subscriber, make a demonstration satisfactory to the chief administrative officer that a signal is being delivered which is of sufficient strength and quality to meet the standards set forth in the regulations of the Federal Communications Commission, or in regulations hereafter adopted by the council;

C. Render efficient service, making repairs promptly and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four hours in advance and shall occur during periods of minimum use of the system;

D. Maintain an office in Humboldt County, which office shall be open during all the usual business hours, with its toll free telephone listed in directories of the telephone company serving the city, and be so operated that complaints and requests for repairs or adjustments may be received at any time, day or night, seven days a week;

E. Maintain a written record, or log listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by grantee in response thereto; the record shall be kept at grantee's local office, for the duration of said franchise, and shall be available for inspection during regular business hours, without further notice or demand, by the chief administrative officer. (Ord. 171 §4(c), 1981)

5.12.070 Municipal service. A. With respect to the local government channel, the grantee shall provide, at the request of the city council, and upon city reimbursement of grantee's actual cost, use of grantee's studio, equipment, and technical services for production of live and video-tape municipal programs, subject to scheduling requirements of the grantee;

B. With respect to the basic television services, the grantee shall provide all subscriber services, and a tie-in connection, without cost, when the system passes such facilities and as designated by the council, to:

1. Public schools and community college facilities within the city; and

2. Buildings owned and controlled by the city, used for public purposes. (Ord. 171 §4(d), 1981)

5.12.080 Compatibility and connectibility. A. It is the desire of the city that all cable television systems franchised hereunder shall, insofar as financially and technically possible, be compatible one with another and with systems adjacent to the city.

B. Wherever it is financially and technically feasible, the grantee shall so construct, operate and modify the

system so as to tie the same into all other systems within and adjacent to the city. (Ord. 171 §4(e), 1981)

5.12.090 Permitted uses. Any franchise granted pursuant to the provisions of this chapter may authorize and permit the grantee to engage in the business of operating and providing a cable television system in the city, and for that purpose to erect, construct, repair, replace, reconstruct, maintain, and retain in, on, over, under, upon, across and along any street, such poles, wires, cable, conductors, ducts, conduits, vaults, manholes, amplifiers, and appliances, attachments, and other property as may be necessary and appurtenant to the cable television system; and, in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms, or corporations, including but not limited to any public utility or other grantee franchised or permitted to do business in this city. (Ord. 171 §4(f), 1981)

5.12.100 Franchise payments--Procedure--Inspection of records. A. In consideration of the granting and exercise of a franchise to use the streets, as herein defined, for the operation of a cable television system, any grantee shall pay to the city, during the life of the franchise the following: five percent of all the grantee's gross annual receipts from all cable services within the city.

B. The percentage payments shall be made in the manner, amounts, and at times directed in the franchise or in a council resolution fixing franchise fees and adopting rules for service and rate regulation, but not to exceed the limitation set forth in Government Code Section 53066 as it now exists or is hereafter amended.

C. The city shall have the right to inspect the grantee's revenue records under the franchise and the right of audit and recomputation of any and all amounts payable under this chapter; the cost of the audit shall be borne by the grantee when the same results in increasing, by more than two percent, the grantee's annual payment to the city.

D. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable under this chapter or for the performance of any other obligation hereunder. (Ord. 171 §5, 1981)

5.12.110 Franchise term--Duration and termination. A. The franchise granted by the council under this chapter shall be for a term of fifteen years from the date of its acceptance by the grantee.

B. The city may terminate any franchise granted pursuant to the provisions of this chapter in the event of the willful failure, refusal or neglect by grantee to do or comply with any material requirement or limitation contained in

this chapter, or any material rule or regulation of the council validly adopted pursuant to this chapter.

C. The city clerk may make written demand that the grantee do or comply with any such requirement, limitation, term condition, rule or regulation. If the failure, refusal or neglect of the grantee continues for a period of thirty days following such written demand, the city clerk may place his request for termination of the franchise upon the next regular council meeting agenda. The city clerk shall cause to be served upon such grantee at least ten days prior to the date of such council meeting, a written notice of his intent to request such termination, and the time and place of the meeting, notice of which shall be published by the city clerk at least once ten days before such meeting in a newspaper of general circulation within the city.

D. The council shall consider the request of the city clerk and shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the grantee was with just cause.

E. If such failure, refusal or neglect by the grantee was with just cause, the council shall direct the grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

F. If the council shall determine such failure, refusal, or neglect by the grantee was without just cause, then the council may, by resolution, declare that the franchise of such grantee shall be terminated and forfeited unless there be compliance by the grantee within such period as the council may fix.

G. The termination and forfeiture of any franchise shall in no way affect any of the rights of the city under the franchise or any provision of law.

H. In the event of any holding over after expiration or other termination of any franchise granted hereunder, without the prior consent of the city, expressed by resolution, the grantee shall pay to the city reasonable compensation and damages, of not less than one-hundred percent of its gross revenue during said period. (Ord. 171 §6, 1981)

5.12.120 Franchise--Application--Contents--Fee. A. Each application for a franchise to construct, operate or maintain any cable television system in this city shall be filed with the city clerk and shall contain or be accompanied by the following:

1. The name, address and telephone number of the applicant;

2. A detailed statement of the corporate or other business entity or organization of the applicant, including but not limited to, the following and to whatever extent required by the city:

a. The names, residence and business addresses of all officers, directors and associates of the applicant,

b. The names, residence and business addresses of all officers, persons and entities having, controlling, or being entitled to have or control five percent or more of the ownership of the applicant and the respective ownership share of each such person or entity,

c. The names and addresses of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to cable television systems owned or controlled by the applicant, its parent and subsidiary and the areas served thereby,

d. A detailed description of all previous experience of the applicant in provided cable television system service and in related or similar fields,

e. A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant certifying that the applicant has available sufficient free net and uncommitted cash resources to construct and operate the proposed system in this city,

f. A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof;

B. A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:

1. A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served;

2. A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of the classifications, including installation charges and service charges;

3. A detailed, informative, and referenced statement describing the actual equipment and operational

standards proposed by the applicant. In no event shall said operational and performance standards be less than those contained in Title 47, Subpart K (Sections 76.601 et seq.), Rules and Regulations, Federal Communications Commission, adopted February 2, 1972, and as amended;

4. A copy of the form of any agreement, undertaking, or other such instrument proposed to be entered into between the applicant and the subscriber;

5. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm or corporation which materially relate or pertain to or depend upon the application and the granting of the franchise.

C. A copy of any agreement covering the franchise area, if existing between the applicant and any public utility subject to regulation by the California Public Utilities Commission providing for the use of any facilities of the public utility, including but not limited to poles, lines, or conduits.

D. Any other details, statements, information or references pertinent to the subject matter of such application which shall be required or requested by the council, or by any provision of any other ordinance of the city.

E. An application fee in the amount of two hundred dollars, which shall be in the form of cash, certified or cashier's check, or money order, to pay the costs of studying, investigating, and otherwise processing such application, and which shall be in consideration thereof and not returnable or refundable in whole or in part, provided, that any applicant who shall deliver to the city clerk a written withdrawal of or cancellation of any application hereunder, not later than the seventh day next following the day such application is received by the city clerk, shall be entitled to have returned and refunded the sum of one hundred dollars less any actual costs or expenses incurred by the city by reason of such application. (Ord. 171 §7(a)--(e), 1981)

5.12.130 Advertisement for applications. The council may, by advertisement or any other means, solicit and call for applications for cable television system franchises, and may determine and fix any date upon or after which the same shall be received by the city, or the date before which the same must be received, or the date after which the same shall not be received, and may make any other determinations and specify any other times, terms, conditions, or limitations respecting the soliciting, calling for, making and receiving of such applications. The grantee shall pay to the city a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of a franchise pursuant to the provisions of this chapter. Such payment shall be made within thirty days

after the city furnishes the grantee with a written statement of such expenses. (ORd. 171 §7(f), 1981)

5.12.140 Application referral to city attorney--Report. Upon receipt of any application for franchise, the council shall refer the same to the city attorney, who shall prepare a report and make his recommendations respecting such application, and cause the same to be completed and filed with the council within thirty days. (Ord. 171 §7(g), 1981)

5.12.150 Consideration of application--Initial criteria. In making any determination hereunder as to any application the council may give due consideration to the quality of the service proposed, rates to subscriber, income to the city, experience, character, background, and financial responsibility of any applicant, and its management and owners, technical and performance quality of equipment, willingness and ability to meet construction and physical requirements, and to abide by policy conditions, franchise limitations and requirements, and any other consideration deemed pertinent by the council for safeguarding the interests of the city and the public. The council, in its discretion, shall determine the award of any franchise on the basis of such considerations and without competitive bidding. If the council shall determine to reject such application, such determination shall be final and conclusive, and the same shall be deemed rejected. (Ord. 171 §7(h), 1981)

5.12.160 Consideration of application--Further consideration. If the council shall determine to further consider the application, the following shall be done:

A. The council shall decide and specify the terms and conditions of any franchise to be granted hereunder and as herein provided.

B. The council shall pass its resolution of intention to consider the granting of such a franchise, giving notice of receipt of the application, and describing the character of the franchise desired, stating the name of the proposed grantee, the character of the franchise, the terms and conditions upon which such franchise is proposed to be granted, that copies of the proposed franchise may be obtained at the office of the city clerk, fixing and setting forth a day, hour and place certain when and where any persons having any interest therein or objections to the granting thereof may file written protests and appear before the council and be heard, and directing the city clerk to publish the resolution at least once within ten days of the passage thereof in a newspaper of general circulation within the city. (Ord. 171 §7(i), 1981)

5.12.170 Determination of applications. At the time set for the hearing, or at any adjournment thereof the council shall proceed to hear all written protests. Thereafter, the council shall make one of the following determinations:

A. That such franchise be denied; or

B. That such franchise be granted upon the terms and conditions as specified in the resolution of intention to grant the same; or

C. That such franchise be granted, but upon the terms and conditions different from those specified in the resolution of intention to grant the same. (Ord. 171 §7(j), 1981)

5.12.180 Determination of application--Denial--Grant of application by ordinance. A. If the council shall determine that a franchise be denied such determination shall be expressed by resolution and shall be final and conclusive.

B. If the council shall determine that a franchise be granted upon the terms and conditions as specified in the resolution of intention to consider granting the same, such determination shall be expressed by ordinance granting a franchise to the applicant. If the council shall determine upon granting a franchise upon terms and conditions different from those specified in the resolution of intention to consider granting the same, then such determination shall be expressed by resolution adopted prior to granting a franchise by ordinance. (Ord. 171 §7(k), 1981)

5.12.190 Bonds. A. Performance Bond to City. Upon being granted a franchise, and upon the filing of the acceptance required under Section 5.12.230, the grantee shall file with the city clerk and shall thereafter, annually, during the entire term of such franchise, maintain in full force and effect a corporate surety bond or other adequate surety agreement in such amount and kind as shall have been approved by the council. The bond or agreement shall be so conditioned that in the event that grantee shall fail to comply with any one or more of the provisions of this chapter or of such franchise, then there shall be recoverable jointly and severally from the principal and surety any damages or loss, or costs suffered or incurred by the city as a result thereof, including attorneys' fees and costs of any action or proceeding and including the full amount of any compensation, indemnification, cost of removal or abandonment of any property or other costs which may be in default, up to the full principal amount of such bond. The condition shall be a continuing obligation during the entire term of such franchise and thereafter until grantee shall have satisfied in full any and all obligations to the city which arise out of or pertain to the franchise. Neither the provisions of this section, nor any bond accepted by the city pursuant hereto, nor any damages recovered by the city

thereunder shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under any franchise issued pursuant to this chapter or for damages either to the full amount of the bond, or otherwise.

B. Performance Bond for Subscribers. Upon being granted a franchise, and upon filing of the acceptance required under Section 5.12.230, the grantee shall file, annually, with the city clerk and shall thereafter during the entire term of the franchise maintain in full force and effect a corporate surety bond, or other adequate surety agreement, in the amount as shall be approved by the council. The bond or agreement shall be so conditioned that in the event such grantee shall fail to comply with any one or more of the provisions of any agreement or undertaking made between grantee and any subscriber, then there shall be recoverable jointly and severally from the principal and surety any damages or costs suffered or incurred by any subscriber as a result thereof, including reasonable attorneys' fees and costs of any action or proceeding. The condition shall be a continuing obligation during the entire term of such franchise and thereafter until grantee shall have satisfied in full any and all obligations to any subscriber which arise out of or pertain to any such agreement or undertaking. (Ord. 171 §8(a), (b), 1981)

5.12.200 Hold harmless agreement. Grantee shall indemnify and hold harmless the city, its officers, boards, commissions, agents and employees, against and from any and all claims, demands, causes of actions, actions, suits, proceedings, damages (including but not limited to damages to city property and damages arising out of copyright infringements, and damages arising out of any failure by grantee to secure consents from the owners, authorized distributors or licenses of programs to be delivered by grantee's cable television system), costs or liabilities (including costs or liabilities of the city with respect to its employees), of every kind and nature whatsoever, including but not limited to damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost, and expense resulting or arising out of any of the same, including any attorney fees, accountant fees, expert witness fee or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expenses arising out of or pertaining to the exercise or the enjoyment of any franchise hereunder by grantee, or the granting thereof by the city. (Ord. 171 §8(c), 1981)

5.12.210 Defense of litigation. A. Grantee shall at the sole risk and expense of grantee, upon demand of the city, made by and through the city attorney, appear in and defend any and all suits, actions, or other legal

proceedings, whether judicial, quasijudicial, administrative, legislative, or otherwise, brought or instituted or had by third persons or duly constituted authorities, against or affecting the city, its officers, boards, commissions, agents, or employees, and arising out of or pertaining to the exercise or the enjoyment of such franchise, or the granting thereof by the city.

B. Grantee shall pay and satisfy and shall cause to be paid and satisfy any judgment, decree, order, directive, or demand rendered, made or issued against grantee, the city, its officers, boards, commissions, agents, or employees in any of these premises; and such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder, or otherwise, provided that neither grantee nor city shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit, or other proceeding, without first obtaining the written consent of the other. (Ord. 171 §8(d), 1981)

5.12.220 Insurance required. Upon being granted a franchise, and upon the filing of the acceptance required under Section 5.12.230, the grantee shall file with the city clerk and shall thereafter during the entire term of such franchise maintain in full force and effect at its own cost and expense policies of insurance in amounts to be established by the council upon granting of the franchise; provided, however:

A. The city shall be named as an additional insured in any of said insurance policies; and

B. Where such insurance is provided by a policy which also covers grantee or any other entity or person it shall contain the standard cross-liability endorsement. (Ord. 171 §8(e), 1981)

5.12.230 Franchise acceptance procedures. A. No franchise granted under this chapter shall become effective for any purpose unless and until written acceptance thereof shall have been filed with the city clerk. Written acceptance, which shall be in the form and substance approved by the city attorney, shall also be and operate as an acceptance of each and every term and condition and limitation contained in this chapter, or in such franchise, or otherwise specified as herein provided.

B. The written acceptance shall be filed by the grantee not later than 12:01 p.m. of the twentieth day next following the effective date of the ordinance granting such franchise.

C. In default of the filing of such written acceptance as herein required, the grantee shall be deemed to have rejected and repudiated the franchise. Thereafter, the acceptance of the grantee shall not be received, nor filed by the

city clerk. The grantee shall have no rights, remedies, or redress in the premises, unless and until the council, by resolution, shall determine that such acceptance be received or filed, and then upon such terms and conditions as the council may impose.

D. In any case, and in any instance, all rights, remedies, and redress in these premises which may or shall be available to the city, shall at all times be available to the city, and shall be preserved and maintained and shall continuously exist in and to the city, and shall not in any manner or means be modified, abridged, altered, restricted, or impaired by reason of any of these premises, or otherwise.

E. Any franchise granted and accepted under this chapter shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by the grantee, of or pertaining to the construction, operation, or maintenance of any cable television systems in the city. (Ord. 171 §9, 1981)

5.12.240 Franchise--Limitations. A. Every franchise granted under this chapter shall be nonexclusive.

B. No privilege or exemption shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed herein.

C. Any privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property.

D. 1. Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the council expressed by resolution, and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale, or similar document, a duly executed copy of which shall be filed in the office of the city clerk within thirty days after any such transfer or assignment. The said consent of the council may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the council and must agree to comply with all provisions of this chapter; and provided, further, that no such consent shall be required for a transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness, except that when such hypothecation shall exceed fifty percent of the market value of the property used by the franchisee in the conduct of the cable television system, prior consent of the council shall

be required for such a transfer. Such consent shall not be withheld unreasonably.

2. In the event that grantee is a corporation, prior approval of the city council, expressed by ordinance, shall be required where there is an actual change in control or where ownership of more than fifty percent of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom already own fifty percent or more of the voting stock, singly or collectively.

3. Any such acquisition or attempted transfer occurring without prior approval of the city council shall constitute a failure to comply with a provision of this chapter within the meaning of Section 5.12.100 of this chapter.

E. Time shall be of the essence of any such franchise granted hereunder. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this chapter by any failure of the city to enforce prompt compliance.

F. Any right or power in, or duty impressed upon, any officer, employee, department or board of the city shall be subject to transfer by the city to any other officer, employee, department, or board of the city.

G. The grantee shall have no recourse whatsoever against the city for any loss, cost, expense, or damage arising out of any provision or requirement of this chapter or of any franchise issued hereunder or because of its enforcement.

H. The grantee shall be subject to all requirements of city laws, rules, regulations, and specifications heretofore or hereafter enacted or established.

I. Any such franchise granted shall not relieve the grantee of any obligations involved in obtaining pole or conduit space from any department of the city, utility company, or from others maintaining utilities in streets.

J. Any franchise granted hereunder, shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation, or maintenance of any cable television system in the city; and the acceptance of any franchise hereunder shall operate, as between grantee and the city, as an abandonment of any and all of such rights, powers, privileges, immunities, and authorities within the city, to the effect that, as between grantee and the city, and all construction, operation and maintenance by any grantee of any cable television system in the city shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to said franchise and not under or pursuant to any other right, privilege, power, immunity, or authority whatsoever. (Ord. 171 §10, 1981)

5.12.250 Rights reserved to the city. A. Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the city to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights and privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the city's right to eminent domain.

B. There is hereby reserved to the city every right and power which is required to be herein reserved or provided by any law, and the grantee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the city in its exercise of such rights or power, heretofore or hereafter enacted or established.

C. There is reserved to the city the power to amend any section of this chapter so as to require additional or greater standards of construction, operation, maintenance, or otherwise, on the part of the grantee to reflect technical and economic changes occurring during the franchise term, and to enable the city and the grantee to take advantage of new developments in the cable television industry so as to more effectively, efficiently and economically serve the public.

D. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the city.

E. The council may do all things which are necessary and convenient in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder. City council is authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under this chapter, either on behalf of the city, the grantee, or any subscriber, in the best interest of the public. (Ord. 171 §11, 1981)

5.12.260 Rules and regulations. A. Prior to receiving any applications for franchises, the council may adopt rules, regulations and standards governing the operation of cable television systems in the city. Such rules, regulations and standards shall apply to and shall govern the operations of the grantee of any franchise hereunder, and are expressly declared a part of any franchise hereunder.

B. Rules, regulations and standards not adopted prior to receiving any application for a franchise shall be adopted by the council at the first regular meeting of the council next following the effective date of the ordinance codified in this chapter, by resolution which shall become

effective upon adoption and shall be applicable to any application for a franchise previously received.

C. The standards adopted shall govern the engineering, construction, installation, service, and maintenance of all cable television systems in the city, including but not limited to standards governing carrier levels, signal-to-noise ratios, hum modulation, distortion levels, channel interactions and inter-reactions.

D. 1. Provided the same do not materially alter the content of the franchise without consent of the grantee, the council may at any time adopt new rules or regulations or standards or may amend, modify, delete, or otherwise change its respective rules or regulations previously adopted, in the following manner: The council shall pass its resolution of intention stating or describing the rules or regulations or standards to be adopted, amended, modified, deleted, or otherwise changed, and fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein or objection thereto may appear before the council and be heard. Such resolution shall direct the city clerk to mail a copy of the same to any grantee or applicant for a franchise, not more than thirty days nor less than fifteen days prior to the time fixed for hearing thereon.

2. At the time set for such hearing, or at any adjournment thereof, the council shall proceed to hear and pass upon such comments as may be presented. Thereafter, the council, by its resolution, may adopt, amend, modify, delete, or otherwise change its respective rules, regulations, and standards. Such determination by the council shall be final and conclusive.

3. Any rule or regulation or standard as adopted, amended, modified, deleted, or otherwise changed by the council shall become effective upon the tenth day following the adoption of such resolution, unless a longer period shall otherwise be provided in such resolution. (Ord. 171 §12(a), 1981)

5.12.270 Rates. A. Prior to granting any franchise hereunder, the council, by resolution, shall establish and fix all rates and charges for the basic service, therein defined, allowable to grantee, such as:

1. Charges for installation;
2. Subscription rates;
3. Service charges for separate classifications of service (e.g., additional connection, etc.).

Once established, such rates or charges shall not be changed at any time after granting of franchise, except after due notice and hearing as provided herein.

B. Rates and charges for services, other than the basic service, shall also be approved by the council by resolution, after due notice and hearing as provided herein.

C. If the council determines to do so, the council shall find that the changing of any rates or charges of grantee to subscribers will be fair to the system operator and not detrimental or injurious to the best interests and welfare of the subscribers and users, and of the city, then the council, by resolution, shall authorize the change of rates or charges of grantee to subscribers and users as determined. Such resolution shall thereupon become and shall be a part of any franchise granted hereunder and affected thereby.

D. Neither the council nor the grantee shall, as to rates, charges, service, service facilities, rules, regulations, or in any other respect, make or grant any preference of advantage to any person. (Ord. 171 §12(b), 1981)

5.12.280 Permits and construction. A. 1. Within thirty days after acceptance of any franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier license, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems, or associated microwave transmission facilities.

2. In connection therewith, copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting grantee's cable television operations, shall also be submitted simultaneously to the chief administrative officer.

B. Within ninety days after obtaining all necessary permits, licenses and authorizations, including right of access to poles and conduits, grantee shall commence construction and installation of the cable television system.

C. Within one-hundred-eighty days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the installation and construction shall be pursued with reasonable diligence thereafter, so that service to all of the areas designated and scheduled on the map and plan of construction made part of the franchise shall be provided as set forth therein.

D. 1. Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein, shall be grounds for termination of such franchise. By resolution, the council, in its discretion, may extend the time for the commencement and completion of installation and construction for additional periods in the event the grantee acting in

good faith, experiences delays by reason of circumstances beyond his control.

2. By acceptance of the franchise granted hereunder, grantee agrees that failure to comply with any time requirements referred to in subsections A and C of this section will result in damage to the city, and that it is and will be impracticable to determine the actual amount of such damage in the event of delay; and grantee therefore agrees that, in addition to any other damage suffered by city, he will pay to the city the sum of fifty dollars per day for each and every day's delay beyond the time prescribed, plus authorized extensions thereof, for completion of any of the acts required to be done by this section.

E. 1. Grantee shall utilize existing poles, conduits, and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities whether on public property or on privately owned property unless and until first securing the written approval of the landowner and of the director of public works.

2. Whenever grantee shall not utilize existing poles, conduits, and other facilities, or whenever existing conduits and other facilities shall be located beneath the surface of the streets or whenever the city shall undertake a program designed to cause all conduits and other facilities to be located beneath the surface of the streets in any area or throughout the city, in the exercise of its police power or pursuant to the terms hereof, upon reasonable notice to grantee, any such conduits or other facilities of grantee shall be constructed, installed, placed, or replaced beneath the surface of the streets. Any construction, installation, placement, or changes which may be so required shall be made at the expense of the grantee, whose costs shall be determined as in the case of public utilities.

F. The city shall have the right, free of charge, to make additional use, for any public or municipal purpose, whether governmental or proprietary, of any poles, conduits, or other similar facilities erected, controlled, or maintained exclusively by or for grantee in any street, provided such use by the city does not interfere with the use by grantee.

G. In those areas of the city where the transmission or distribution facilities of the respective public utilities providing telephone, communication, and electric services are underground, or hereafter placed underground, the grantee likewise shall construct, operate, and maintain all of his transmission and distribution facilities underground. The term "underground" shall include a partial underground system; provided, that upon obtaining the written approval of the city council, amplifiers in the grantee's transmission and distribution lines may be placed in appropriate housings upon the surface of the ground.

H. The grantee, at his expense, shall protect, support, temporarily disconnect, relocate, or remove any property of the grantee when, in the opinion of the city council, the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, waterpipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including but not limited to movement of buildings, urban renewal and development, and any general program under which the city shall undertake to cause all such properties to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of grantee in place, as herein provided. Nothing hereunder shall be deemed a taking of the property of grantee and grantee shall be entitled to no surcharge by reason of anything hereunder.

I. Upon the failure, refusal, or neglect of grantee to cause any work or other act required by law or hereunder to be properly completed in, on, over, or under any street within any time prescribed therefore, or upon notice given, where no time is prescribed, the city council may cause such work or other act to be completed in whole or in part, and upon so doing shall submit to grantee an itemized statement of the costs thereof. The grantee shall, within thirty days after receipt of such statement, pay to the city the entire amount thereof.

J. In the event that:

1. The use of any part of the system of grantee is discontinued for any reason for a continuous period of thirty days, without prior written notice to and approval by the city; or any part of such system has been installed in any street or other area without complying with the requirements hereof, or any franchise shall be terminated, cancelled, or shall expire, then the grantee shall, at the option of the city, and at the expense of the grantee, and at no expense to the city, and upon demand of the city, promptly remove from any streets or other area all property of grantee, and grantee shall promptly restore the street or other area from which such property has been removed to such condition as the director of public works shall approve;

2. The council may, upon written application therefore by grantee, approve the abandonment of any of such property in place by grantee and under such terms and conditions as the council may prescribe. Upon abandonment of any such property in place, grantee shall cause to be executed, acknowledged, and delivered to the city such instruments as the city attorney shall prescribe and approve,

transferring and conveying the ownership of such property to the city. (Ord. 171 §13, 1981)

5.12.290 Franchise--General powers. A franchise granted to provide service within the city shall authorize and permit the grantee to solicit, sell, distribute, and make a charge to subscribers within the city for connection to cable television system of grantee, and shall also authorize and permit the grantee to traverse any portion of the city in order to provide service outside the city. (Ord. 171 §14(a), 1981)

5.12.300 Franchise--Powers exclusively within city. A franchise, easement, license, or other permit granted to anyone other than the grantee to traverse any portion of the city in order to provide service outside the city shall not authorize nor permit the person to solicit, sell, distribute, or make any charge to subscribers within the city, nor to render any service or connect any subscriber within the city to the cable television system of grantee. (Ord. 171 §14(b), 1981)

5.12.310 Franchise--Valueless in court action with city. No franchise granted under this chapter shall ever be given any value by any court or other authority, public or private, in any proceeding of any nature or character, wherein or whereby the city shall be a party or affected therein or thereby. (Ord. 171 §14(c), 1981)

5.12.320 Regulations governing street work apply to grantee. A. Grantee shall be subject to all provisions of the other ordinances, rules, regulations, and specifications of the city heretofore or hereafter adopted, including, but not limited to, those pertaining to works and activities in, on, over, under and about streets. Any privilege claimed under any franchise granted pursuant to this chapter in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property.

B. Grantee also shall be subject to the provisions of general laws of the state of California, or as hereafter amended, when applicable to the exercise of any privilege contained in any franchise granted under this chapter, including but not limited to those pertaining to works and activities in and about state highways. (Ord. 171 §14(d), 1981)

5.12.330 Grantee--Prohibited activities. Grantee shall be prohibited from directly or indirectly doing any of the following:

A. Engaging in the business of selling at retail, leasing, renting, repairing, or servicing of television sets or radios;

B. Imposing a fee or charge for any service or repair to subscriber-owned receiving devices except for the connection of its service or for the determination by grantee of the quality of its signal to the recipients thereof;

C. Soliciting, referring, or causing or permitting the solicitation or referral of any subscriber to persons engaged in any business herein prohibited to be engaged in by grantee;

D. Providing information concerning the viewing patterns of identifiable individual subscribers to any person, group or organization for any purpose. (Ord. 171 §14(e), 1981)

5.12.340 Preemption or preclusion of city police power. If the Federal Communications Commission or the Public Utilities Commission of the state of California or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any franchise granted under this chapter, then to the extent such jurisdiction shall preempt or preclude the exercise of like jurisdiction by the city, the jurisdiction of the city shall cease and no longer exist. The preemption or preclusion of the exercise by the city or any of its police power shall not diminish, impair, alter, or affect any contractual benefit to the city or grantee nor any contractual obligation of the grantee under any franchise issued hereunder. Any and all minimum standards governing the operation of grantee and any and all maximum rates, ratios, and charges specified herein or in any franchise issued hereunder, existing now and at any time in the future, including such time as any paramount jurisdiction shall preempt or preclude that of the city, and any and all rights, powers, privileges, and authorities of the city to determine, establish, or fix any of the same, are each and all declared by the city and by any grantee accepting any franchise hereunder to be contractual in nature and to be for the benefit of the city. (Ord. 171 §14(f), 1981)

5.12.350 Filing with city clerk. When not otherwise prescribed herein, all matters herein required to be filed with the city shall be filed with the city clerk. (Ord. 171 §14(g), 1981)

5.12.360 Refusal of service. No person, firm or corporation within the service area of the grantee, and where trunk lines are in place, shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the

applicable connection fee or service charge. (Ord. 171 §14(h), 1981)

5.12.370 Notice to subscriber. Before providing cable television service to any subscriber, the grantee shall provide a written notice to the subscriber substantially as follows:

> Subscriber is hereby notified that in providing cable television service, the grantee is making use of public rights-of-way within the city of Trinidad and that the continued use of such rights-of-way is in no way guaranteed. In the event the continued use of such rights-of-way is denied to grantee for any reason, grantee will make every reasonable effort to provide service over alternate routes. By accepting cable television service, subscriber agrees he will make no claim nor undertake any action against the city of Trinidad, its officers, or its employees if the service to be provided hereunder is interrupted or discontinued.

(Ord. 171 §14(i), 1981)

5.12.380 Subscriber contract subject to city approval. The form of the grantee's contract with the subscriber shall also be subject to the approval of the city. (Ord. 171 §14(j), 1981)

5.12.390 Plan for method of construction required. It shall be the responsibility of the grantee, prior to commencement of any construction work pursuant to a franchise, to submit a plan identifying the method of construction and all locations of construction for approval by the director of public works. It shall be the responsibility of the grantee to obtain rights-of-way across private property when such is required by the grantee. A copy of such written rights-of-way shall be filed with the city clerk prior to such construction. (Ord. 171 §14(k), 1981)

5.12.400 Changes in construction plans. Changes in the CATV system as originally constructed shall be placed on an as-built plan which shall be provided to the director of public works. (Ord. 171 §14(l), 1981)

5.12.410 Responsibility of construction conditions--Inspection. In laying, installing, repairing, maintaining, replacing, or removing cables, wires, conduits, poles and other fixtures and equipment, grantee shall fill and compact said trenches and leave the surface of the streets, private driveways and other surfaces in as good condition as they were prior to excavating for laying, repairing, maintaining, replacing, or removing said cables, wires, conduits, or other fixtures and equipment. Inspection of such work shall be

performed by the director of public works and acceptance of such work shall be made by the city council. (Ord. 171 §14(m), 1981)

5.12.420 Waiver of claims for damages against city. Grantee shall waive any and all claims for damages against the city caused by any grading, sewering, paving or other maintaining, improving, altering, or repairing of any and all public facilities, with the sole exception that the city shall give notice to grantee in all cases except emergencies where it may be necessary for a grantee to remove or relocate cables, wires, or the like. (Ord. 171 §14(n), 1981)

5.12.430 Violations--Penalty. A. From and after the effective date of the ordinance codified in this chapter, it is unlawful and a public nuisance for any person to construct, install, or maintain within any public street in the city, or within any other public property of the city, or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect. The violation of any of the provisions of this chapter shall be an infraction. (Ord. 171 §15, 1981)

## Chapter 5.16

## COMMERCIAL FILMMAKING

Sections:

5.16.010 Definitions.
5.16.020 Permit--Required.
5.16.030 Permit--Exemptions.
5.16.040 Permit--Change of date.
5.16.050 Permit--Criteria.
5.16.060 Applications--Issuing authority.
5.16.070 Applications--Contents.
5.16.080 Applications--Fees.
5.16.090 Reimbursement for city personnel.
5.16.100 Liability insurance.
5.16.110 Worker's compensation insurance.
5.16.120 Hold harmless agreement.
5.16.130 Faithful performance bond.
5.16.140 Violation--Penalty.

5.16.010 Definitions. For the purposes of this chapter:

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

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

"News media" means the filming or video taping for the purpose of spontaneous unplanned television news broadcast by reporters, photographers or cameramen. (Ord. 89-203 §1, 1989: Ord. 87-194 §1, 1987)

5.16.020 Permit--Required. No person shall use any public or private property, facility or residence for the purpose of taking commercial motion pictures or television pictures or commercial still photography without first applying for and receiving a permit from the city. The administrative officer shall act on behalf of the city. The city administrative officer may designate an alternate to so act. (Ord. 89-203 §2(A), 1989: Ord. 87-194 §2(a), 1987)

5.16.030 Permit--Exemptions. A. Current News. The provisions of this chapter shall not apply to or affect reporters, photographers or cameramen in the employ of a newspaper, news service or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.

B. The filming or video taping of motion pictures solely for private family use. (Ord. 89-203 §2(B), 1989: Ord. 87-194 §2(b), 1987)

5.16.040 Permit--Change of date. Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date from which the permit has been issued provided established limitations are complied with in respect to time and location. (Ord. 89-203 §3(A), 1989: Ord. 87-194 §3(a), 1987)

5.16.050 Permit--Criteria. A. The city council of the city is authorized and directed to promulgate rules and regulations, subject to approval by resolution of the council, governing the form, time and location of any activity set forth within the city. They shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:

1. The health, safety and convenience of all persons;

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

3. The safety of property within the city.

B. The city council adopts by reference the model filming permit process attached hereto and incorporated herein by this reference. (Ord. 89-203 §3(B), 1989: Ord. 87-194 §3(b), 1987)

5.16.060 Applications--Issuing authority. The issuing authority shall be the city, acting by and through the city administrative officer. (Ord. 89-203 §4(A), 1989: Ord. 87-194 §4(a), 1987)

5.16.070 Applications--Contents. The following information shall be included in the application:

A. The name of the owner, the address and telephone number of the place at which the activity is to be conducted;

B. The specific location at such address or place;

C. The inclusive hours and dates such activity will transpire;

D. A general statement of the character or nature of the proposed filming activity;

E. The name, address and telephone number of the person or persons in charge of such filming activity;

F. The exact number of personnel to be involved;

G. Use of any animals or pyrotechnics; and

H. The exact amount and type of vehicles and equipment to be involved. (Ord. 89-203 §4(B), 1989: Ord. 87-194 §4(b), 1987)

5.16.080 Applications--Fee. The city council may set a fee, from time to time by resolution, for the processing of such applications. (Ord. 89-203 §4(C), 1989: Ord. 87-194 §4(c), 1987)

5.16.090 Reimbursement for city personnel. The production company shall reimburse the city for any personnel provided to the company (i.e. police, fire, traffic) for the purpose of assisting the production. (Ord. 89-203 §4(D), 1989: Ord. 87-194 §4(d), 1987)

5.16.100 Liability insurance. A certificate of insurance will be required in the amount of one million dollars naming the city as coinsured for protection against claims of third persons for personal injuries, wrongful deaths and property damage before a permit is issued. The city officers and employees shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the

ORDINANCE NO. 90-208

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING CERTAIN SECTIONS OF THE TRINIDAD MUNICIPAL CODE AND ADDING OTHER SECTIONS TO THE MUNICIPAL CODE**

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

SECTION 1.

Section 5.16.030 of the Trinidad Municipal Code is amended to read as follows:

"5.16.030 Permit--Exemptions. A. Current News. The provisions of this chapter shall not apply to or affect reporters, photographers or cameramen in the employ of a newspaper, news service or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.

"B. The filming or video taping of motion pictures solely for private family use.

"C. The filming or video taping of commercials when the commercial is filmed entirely on the property of the business featured in the commercial. (Ord. 89-203 Sec. 2(B), 1989: Ord. 87-194 Sec. 2(b), 1987.)"

SECTION 2.

Section 5.16.060 of the Trinidad Municipal Code is amended to read as follows:

"5.16.060 Applications--Issuing authority. The issuing authority shall be the city, acting by and through the city officer appointed by the city council. (Ord. 89-203 Sec. 4(A), 1989: Ord. 87-194 Sec. 4(a), 1987.)"

SECTION 3.

Section 2.04.010 of the Trinidad Municipal Code is amended to read as follows:

"2.04.010 Regular meetings. A. Time. The city council shall hold regular meetings on the second Wednesday of each and every month at the hour of seven-thirty p.m.; provided however, that when the day fixed for any regular meeting of the council falls upon a date designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

"B. Place. All regular meetings of the council shall be held in the Town Hall in the city. (Ord. 145 Sec 1, 1974; Ord. 102 Sec 1, 1955.)"

SECTION 4.

This ordinance shall take effect thirty (30) days after its adoption.

Dated:

ATTEST:

Janelle Case

JANELLE CASE
City Clerk, City of Trinidad

APPROVED:

J. Bryce Kenny

BRYCE KENNY
Mayor, City of Trinidad

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California, held on March 13, 1991, by the following roll call vote:

AYES:

NOES:

ABSENT:

JANELLE CASE
City Clerk, City of Trinidad

#24

city. A copy of the certificate will remain on file with the city. The insurance must be in a form acceptable to the city. (Ord. 89-203 §5(A), 1989: Ord. 87-194 §5(a), 1987)

5.16.110 Worker's compensation insurance. An applicant shall conform to all applicable federal and state requirements for worker's compensation insurance for all persons operating under a permit. (Ord. 89-203 §5(B), 1989: Ord. 87-194 §5(b), 1987)

5.16.120 Hold harmless agreement. An applicant shall execute a hold harmless agreement as provided by the city prior to the issuance of a permit under this chapter. (Ord. 89-203 §5(C), 1989: Ord. 87-194 §5(c), 1987)

5.16.130 Faithful performance bond. To ensure cleanup and restoration of the site, an applicant may be required to post a refundable faithful performance bond (amount to be determined) at the time the application is submitted. Upon completion of filming and inspection of the site by the city, the bond may be returned to the applicant. (Ord. 89-203 §5(D), 1989: Ord. 87-194 §5(d), 1987)

5.16.140 Violation--Penalty. If an applicant violates any provision of this chapter or a permit issued pursuant thereto, the city may cancel the permit. Violations of the terms and conditions of the film permit is considered an infraction. Each day, or portion of a day, during which a violation occurs shall be considered to be a separate violation. (Ord. 89-203 §5(E), 1989: Ord. 87-194 §5(e), 1987)

## Chapter 5.20

## ONSHORE SUPPORT FACILITIES FOR OFFSHORE OIL INDUSTRY

Sections:

5.20.010 Purpose.
5.20.020 Findings.
5.20.030 Definitions.
5.20.040 Implementation.

5.20.010 Purpose. The sole purpose of this chapter is to regulate the impact of onshore support facilities by providing a referendum in which voters of the city may approve or deny proposed amendments to plans or ordinances if such amendments are to accommodate onshore support facility industrial activity. (Ord. 88-200 §1, 1988)

5.20.020 Findings. A. Industrial uses such as onshore support facilities are inconsistent with city zoning ordinances, general plan, certified local coastal plan, and existing land use.

B. Onshore support facilities would conflict with commercial and sports fishing, tourism, and community residential uses.

C. Environmentally sensitive habitats for many plants and animals contribute to the quality of life and scenic beauty of Trinidad; and these amenities, having both aesthetic and economic value, could be threatened by incompatible onshore support facilities. (Ord. 88-200 §2, 1988)

5.20.030 Definitions. "Onshore support facilities" are land based activities which support offshore oil industry, whether in state or federal waters. Included are:

A. Industrial service bases, whether temporary or permanent;

B. Oil industry repair or maintenance yards;

C. General shore support facilities;

D. Platform or platform jacket fabrication yards;

E. Pipecoating yards;

F. Pipeline installation service bases;

G. Pipelines and landfalls;

H. Platform installation bases;

I. Marine oil terminals or service bases;

J. Oil industry storage facilities;

K. Partial processing plants;

L. Gas processing or treatment plants;

M. Refineries;

N. Petrochemical complexes;

O. Waste disposal facilities. (Ord. 88-200 §3, 1988)

5.20.040 Implementation. An applicant who wishes to build onshore support facilities may not do so without obtaining all relevant local, state and federal permits. In addition, industrial uses such as onshore support facilities require amendment of the certified local coastal plan (where applicable), the general plan, or zoning ordinances. No such amendment will take effect except as follows: Applicant must conform to established procedures for obtaining amendments or variances. If the planning commission and the city council approve amendment or variance, enactment is contingent on approval by a plurality of votes at a regular or special election. Applicant is to pay all election costs. (Ord. 88-200 §4, 1988)

# Chapter 5.24

## POOL ROOMS, BILLIARD ROOMS AND CARD GAMES

Sections:

5.24.010 License--Required.
5.24.020 License--Application.
5.24.030 License--Assignability.
5.24.040 Licenses--Limit.
5.24.050 Fees.
5.24.060 Licensee--Liability--Minors.
5.24.070 Minor's liability.
5.24.080 Violation--Penalty.

5.24.010 License--Required. It is unlawful for any person, either as owner, agent or employee, or otherwise, within the city to carry on the business of card room, pool room or billiard hall or any business where cards, pool or billiards are played without first procuring a license therefor, as provided in this chapter. (Ord. 117 §1, 1956)

5.24.020 License--Application. No license shall be issued for any card room, pool room or billiard hall, or any business where such games are played, without the applicant first shall have filed with the city clerk a written application for a license, signed by the applicant, addressed to the city council, which application shall clearly designate the place where the license is asked to be located. The application must be filed on or before a regular meeting with the city clerk, who shall read the same to the city council. If it appears to the council that the applicant is of good moral character, that the granting of such license would not exceed the quota herein set forth and that the operation of such a business by the applicant would not be harmful to or impair public health, safety, morals or welfare, the council shall instruct the city clerk to issue such license. (Ord. 117 §2, 1956)

5.24.030 License--Assignability. Licenses issued under this chapter may be assigned after the consent and permission of the city council has first been obtained in writing. Upon any request for permission to transfer such license, it shall be the duty of the city clerk to make such inquiry as will satisfy the council that the proposed transferee possesses the qualifications necessary for the issuance of an original license. (Ord. 117 §3, 1956)

5.24.040 Licenses--Limit. The total number of licenses which may be issued and in force at any one time under the provisions of this chapter is limited to three, and shall not exceed three. (Ord. 117 §4, 1956)

5.24.050 Fees. The fee for the licensee shall be the fee established by the current business licensing ordinance. (Ord. 90-204 §12(I), 1990: Ord. 117 §5, 1956)

5.24.060 Licensee--Liability--Minors. It is unlawful for any person who is engaged in conducting, managing or controlling within the city, the business of keeping a billiard hall, pool room or other place where games of chance are played, to allow any person under the age of eighteen years to enter, except he comes in on business for his employer, or that he be eighteen years of age and a parent or guardian shall have signed and filed with the city clerk a written consent for such minor to enter such place or places; provided, however, that all minors may enter all card rooms, pool rooms or billiard halls where no games of chance are allowed. Games of chance shall be as defined in the California Penal Code. (Ord. 90-204 §2(J), (K)(part); Ord. 117 §6, 1956)

5.24.070 Minor's liability. It is unlawful for any person under the age of eighteen to enter any room mentioned in Section 5.24.060 where games of chance are allowed, except he enters on business for his employer. (Ord. 90-204 §2(K)(part), 1990; Ord. 117 §7, 1956)

5.24.080 Violation--Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months or by both such fine and imprisonment. (Ord. 117 §8, 1956)

ORDINANCE NO. 92-1

AN ORDINANCE OF THE CITY OF TRINIDAD IMPOSING A TOURIST OCCUPANCY TAX.

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1

There is hereby added to the Trinidad Municipal Code, a new Chapter, Chapter 3.20 - Tourist Occupancy Tax, which shall read as follows:

3.20.010 Citation of Provisions. This chapter shall be known as the Uniform Tourist Occupancy Tax Ordinance of the City.

3.20.020 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Lodging house" means any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location except when located within a mobile home park or R/V Park, or other similar structure or portion thereof.

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

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

D. "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.

E. "Rent" means the consideration charged, whether or not received, for the occupancy of space for lodging valued in money, including all receipts, cash, credits and property services of any kind or nature, without any deduction therefrom whatsoever.

F. "Tax Administrator" means the City Clerk.

G. "Tourist" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar day, or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a tourist until the period of thirty (30) has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

3.20.030 Imposed--Rate. For the privilege of occupancy in any lodging, each tourist is subject to, and shall pay, a tax in the amount of six (6%) percent of the rent charged by the operator. The tax constitutes a debt owed by the tourist to the City. The tourist shall pay the tax to the operator of the hotel 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 tourists ceasing to occupy space in the lodging house. If for any reason the tax due is not paid to the operator of the lodging house, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

3.20.040 Collection Required. 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 tourist. The amount of tax shall be separately stated from the amount of the rent charged, and each tourist shall receive a receipt for payment from the operator. No operator of a lodging house 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 provided under this chapter.

3.20.050 Registration Certificate--Required--Contents.

A. Within thirty (30) days after the effective date of this chapter, or within thirty (30) days after commencing business, whichever is later, each operator of any lodging house renting occupancy to tourists shall register such lodging house with the Tax Administrator and obtain from him, a Tourist

Occupancy Registration Certificate to be at all times posted in a conspicuous place on the premises.

B. Such certificate shall, among other things, state as follows:

1. Name of the operator;

2. The address of the lodging house;

3. The date upon which the certificate was issued; and

4. This Tourist Occupancy Registration Certificate signifies that the person named on the face thereof has fulfilled the requirements of the Uniform Tourist Occupancy Tax Ordinance by registering with the Tax Administration for the purpose of collecting from tourists the Tourist 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 lodging house without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit.

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

3.20.070 Failure to promptly remit tax--Penalties.

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

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

percent of the amount of the tax in addition to the tax and the ten (10%) percent penalty first imposed.

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

D. **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 off one-half of one (1/2 of 1%) 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 provision of this section shall become a part of the tax required to be paid under this chapter.

3.20.080 Assessments Against Operators--Notice and Hearing.

A. If any operator fails or refuses to collect such tax and to make, within the time provided in this chapter, any report and remittance of such tax or any portion thereof required by this chapter, the Tax Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due.

B. As soon as the Tax Administrator procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter.

C. 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 his last known place of address. Such operator may within ten (10) days after the serving and 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.

D. If such application is made, the Tax Administrator shall give not less than five (5) days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in such notice why such amount

specified therein should not be fixed for such tax, 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.

E. After such hearing, the Tax Administrator shall determine in the manner prescribed in this section of such determination and the amount of such tax, interest, and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in this chapter.

3.20.090 Appeals. Any operator aggrieved by any decision of the Tax Administration with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing Notice of Appeal with the City Clerk within fifteen (15) days of the service or mailing of the determination of tax due. The City Council shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator at this last known place of address. The findings of the City Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed in Section 3.20.080 for service of Notice of Hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

3.20.100 Recordkeeping. It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this chapter to keep and preserve, for a period of five (5) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the Tax Administrator shall have the right to inspect at all reasonable times.

3.20.110 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in Subsections B and C of this section provided a claim in writing therefore, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the tax administrator within three (3) years of the date of payment.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a tourist; 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 tourist or credited to rent subsequently payable by the tourist to the operator.

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

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

3.20.120 Tax Deemed Debt to City--Action by City to Collect.

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

3.20.130 Violation--Penalty.

A. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be punishable therefor by a fine of not more than Five Hundred ($500.00) Dollars or by imprisonment in the County Jail for a period of not more than six (6) months or by both such fine and imprisonment.

B. Any operator or other person who fails or refuses to register as required in this chapter, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Tax Administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor and is punishable as set forth in Subsection A of this section. Any person required to make, render, sign, or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made is guilty of a misdemeanor and is punishable as set forth in Subsection A of this section.

Section 2

This Ordinance shall take effect April 1, 1992, which is thirty (30) days after its passage.

Passed, approved, and adopted this 15th day of February, 1992, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED

Bryce Kenny, Mayor

ATTEST

Janelle Case, Clerk

# Title 6

## ANIMALS

Chapters:

6.04 Dogs

## Chapter 6.04

## DOGS

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6.04.040 Vicious dog--Destruction.
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6.04.060 Confinement of dogs in heat.
6.04.070 Vaccination of pups.
6.04.080 Dogs at large on school grounds.
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6.04.440 Vaccination--Certificate--Forms and contents.
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6.04.480 Vaccination--False certificate prohibited.
6.04.490 Vaccination--Certificate exhibit.
6.04.500 Violation--Penalty.

6.04.010 Short title. This chapter shall be referred to as the "dog license ordinance." (Ord. 88-199 §1, 1988)

6.04.020 Definitions. Whenever in this chapter the following terms are used they shall be deemed and construed to have the meaning ascribed to them in this section unless it is apparent from the context thereof that a different meaning is intended:

"Animal control officer" means the person charged by this chapter with the administration and enforcement of the provisions hereof and whose employment is provided for herein or otherwise by the city together with such deputies as may be allowed to the animal control officer by the city council.

"At large" means any dog off the premises of the owner and not under the control of the owner or some responsible person either by leash, cord, chain or other physical restraint.

"Impounded" means having been received into the custody of any poundmaster.

Owner. Any person keeping or harboring or having custody or control over any dog for fifteen consecutive days shall be deemed to be the owner of such dog within the meaning of this chapter, except any veterinarian duly licensed and practicing as such, and having in his possession or control any dog for the purpose of treatment.

"Primary immunization" means the initial inoculation of a dog with an approved canine rabies vaccine that has been approved for three-year immunity by the Department of Health Services.

"Revaccination" means the inoculation of a dog with an approved canine rabies vaccine that has been approved for three-year immunity by the Department of Health Services.

"Unlicensed dog" means any dog for which the license tax for the current year as provided in this chapter has not

been paid or any dog to which the tag provided for in this chapter is not attached.

"Vicious dog" means any dog which has bitten a person or animal without provocation or which has a disposition or propensity to attack or bite any person or animal. (Ord. 88-199 §§1, 50, 1988)

6.04.030 Vicious dog--Investigation. The animal control officer shall investigate the conditions and behavior of any dog which he has reason to believe is vicious or dangerous and, if he finds such dog to be vicious in its habits, he shall report his findings in writing to the owner of such dog, if the name and whereabouts of such owner are known. (Ord. 88-199 §2, 1988)

6.04.040 Vicious dog--Destruction. Every vicious dog found at large in the city shall be subject to summary destruction. (Ord. 88-199 §3, 1988)

6.04.050 Confinement of dogs to owner's premises. A. No person shall cause, permit or allow any dog or dogs owned, harbored, controlled or kept by him to be at large away from the premises where the same is or are owned, harbored or kept at any time except in the custody and control of the owner or some responsible person duly authorized by the owner. Any such dog found running at large in violation of this provision may be taken up and impounded and shall be released only after payment of the fees required by the Humane Society of Humboldt County Inc.

B. This section shall not apply to any official city police dog while on patrol. (Ord. 88-199 §4, 1988)

6.04.060 Confinement of dogs in heat. All unspayed female dogs shall be strictly confined to the owner's premises when the dog is in breeding condition. Strictly confined to the owner's premises means that such dog shall be confined in a substantial enclosure the interior of which is accessible only by use of a door, gate, lid or barricade, provided that such door, gate, lid or barricade shall be constructed in such a manner so as to prevent access to the interior thereof. (Ord. 88-199 §4.1, 1988)

6.04.070 Vaccination of pups. All dogs under four months of age shall be confined to the premises of or kept under the physical restraint by the owner, keeper or harborer and such restraint shall continue until a period of thirty days has elapsed after vaccination of the particular dog with an approved anti-rabies vaccine. (Ord. 88-199 §4.2, 1988)

6.04.080 Dogs at large on school grounds. No owner or other person in charge of or in control of any dog shall

permit such dog to be at large upon or near any public school grounds. (Ord. 88-199 §4.3, 1988)

6.04.090 Transportation of dogs within city. A. No person shall transport or harbor or keep a dog in or upon a motor vehicle or trailer or any public road or highway unless the dog is safely enclosed within the vehicle or trailer or is protected by cross-tying or by a canopy, cage, container, or other device that will prevent the dog from falling from, being thrown from, or jumping from the vehicle or trailer.

B. The provisions of subsection A of this section shall not apply to any person actively engaged in performing normal ranching or farming duties, or actively engaged in legal hunting activities.

C. Any person who violates any of the provisions of this section shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of twenty-five dollars for the first violation; fine of fifty dollars for the second violation; and a fine of one hundred dollars for each additional violation of this chapter within one year. (Ord. 85-184 §§1--3, 1986)

6.04.100 Right of entry. All persons charged with the duty of aiding in the enforcement of this chapter are empowered, and it shall be their duty, to enter upon any private property where any dog is kept, or believed by them or any of them to be kept, for the purpose of ascertaining whether any such dog is kept or otherwise harbored in violation of the provisions of this chapter. (Ord. 88-199 §5, 1988)

6.04.110 Interference with enforcement. No person shall interfere with, oppose or resist any person charged with the enforcement of this chapter while such person is engaged in the performance of his duties as provided in this chapter. (Ord. 88-199 §6, 1988)

6.04.120 Animal control officer. The public works officer for the city shall serve as the animal control officer. The public works director may assign the duties of the animal control officer to other persons if he deems such assignment necessary to the public safety and to insure the enforcement of the provisions of this chapter. (Ord. 88-199 §6, 1988)

6.04.130 License--Vaccination. No person shall be issued a license under this chapter unless he has first complied with the provisions of this chapter which provides for vaccination against rabies. (Ord. 88-199 §10, 1988)

6.04.140 License--Required. It is unlawful for any person to own, keep or harbor any dog over four months of age within the city for a period of time unless they first procure a license therefor. (Ord. 88-199 §11, 1988)

6.04.150 License--Tax--Payment. The owner of every dog within the incorporated area of the city shall pay annually to the city clerk on or before the first day of July, a license tax thereon and shall be required to pay for such license at said time the sum of twelve dollars for each dog, except that any such license shall be issued for the sum of five dollars for each dog for whom a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered. A grace period of thirty days shall be allowed in the payment of this license tax. (Ord. 88-199 §12, 1988)

6.04.160 License--Failure to pay tax--Penalties. For failure to pay a license tax when due, the city clerk shall add on one hundred percent penalty in addition to the regular license tax amount, beginning on August 1 of each year, or on the 31st day after the dog is brought into the city. (Ord. 88-199 §13, 1988)

6.04.170 License--Duty to collect. It shall be the duty of the city clerk to collect the license taxes provided for in this chapter. (Ord. 88-199 §14, 1988)

6.04.180 License--Refunds. No license tax paid by virtue of the provisions of this chapter shall be returned or refunded without the approval of the city clerk. (Ord. 88-199 §15, 1988)

6.04.190 License--Issuance. It shall be the duty of the city clerk to issue the licenses provided for in this chapter. (Ord. 88-199 §16, 1988)

6.04.200 License--Contents. Each license issued under this chapter shall state the name and residence address of the person to whom such license is issued, the amount paid therefor, the date when issued, the date on which such license shall expire, and shall contain a description of the dog for which such license is issued, and the number of the metallic tag accompanying such license. (Ord. 88-199 §17, 1988)

6.04.210 License--Expiration. All dog licenses shall expire on the 30th day of June next following their issuance. (Ord. 88-199 §18, 1988)

6.04.220 License--Records. It shall be the duty of the city clerk to keep a record of each license issued pursuant to this chapter. (Ord. 88-199 §25, 1988)

6.04.230 License--Seeing eye dog. Any blind person having the custody and control of any seeing eye dog may file an affidavit so stating with the city clerk. Upon receiving the affidavit and a current vaccination certificate, the city clerk shall endorse the license receipt "Blind person - seeing eye dog" and deliver the license without charge. (Ord. 88-199 §26, 1988)

6.04.240 Tag--Contents. With each license issued under this section, there shall be issued by the city and delivered to the person securing the license, a metal tag. The tag shall have imprinted on its face the words: "City of Trinidad" and "Dog License," and shall also contain the serial number of the license and the expiration date of the license. (Ord. 88-199 §19, 1988)

6.04.250 Tag--Duplicates. A duplicate of a lost dog license may be procured upon exhibition of the original license and payment of twenty-five cents therefor. (Ord. 88-199 §20, 1988)

6.04.260 Tag--Display. It is unlawful for an owner of any dog to fail or neglect to keep fastened to such dog the tag provided for in this chapter, except while such dog remains indoors or in an enclosed yard or pen. (Ord. 88-199 §21, 1988)

6.04.270 Tag--To be attached only to licensed dog. It is unlawful for any person to attach any current license tag to any dog other than the dog for which such license tag was originally issued. (Ord. 88-199 §22, 1988)

6.04.280 Tag--Removal. It is unlawful for any person other than the owner to remove from any dog any tag which has been attached to such dog pursuant to the provisions of this chapter. (Ord. 88-199 §23, 1988)

6.04.290 Tag--Counterfeits. It is unlawful for any person to counterfeit or imitate any license tag provided for by this chapter or attach a counterfeit or imitation tag to any dog or to possess any such counterfeit tag. (Ord. 88-199 §24, 1988)

6.04.300 Exceptions. Provisions of this chapter shall not be intended to apply to dogs whose owners are nonresidents, temporarily in the city, nor to dogs brought into the city for the purpose of participating in any dog shows. (Ord. 88-199 §27, 1988)

6.04.310 Impoundment--Authorization. The animal control officer shall receive, take up and impound at the Humane Society of Humboldt County, Inc., any and all dogs

found running at large contrary to the provisions of Sections 6.04.010 through 6.04.300 or in violation of any law of the county or state. (Ord. 88-199 §30, 1988)

6.04.320 Impoundment--Licensed dog--Notice to owner. Upon impounding a licensed dog, the animal control officer shall immediately give notice to the owner, at the address in the license, of the impounding of such dog. Such notice may be given as provided in this code. (Ord. 88-199 §31, 1988)

6.04.330 Impoundment--Unlicensed dog--Notice to owner. Upon impoundment of an unlicensed dog, the animal control officer shall immediately give notice to the owner, if known, of the impounding of such dog. (Ord. 88-199 §32, 1988)

6.04.340 Impoundment--Right to redeem. Any impounded dog, licensed, or unlicensed, may be redeemed by the owner thereof by contacting the Humane Society of Humboldt County, Inc., and complying with all the said Humane Society's requirements for redemption of dogs. (Ord. 88-199 §33, 1988)

6.04.350 Impoundment--Disposition. All dogs impounded in accordance with the provisions of this chapter shall be disposed of in accordance with the rules and regulations of the Humane Society of Humboldt County, as governed by the laws of the county of Humboldt and the state. (Ord. 88-199 §34, 1988)

6.04.360 Impoundment--Fee. The city may charge those city residents who own dogs that may be impounded at the Humane Society of Humboldt County, Inc., for fees charged the city by the Humane Society associated with the owner's respective dogs(s). (Ord. 88-199 §35, 1988)

6.04.370 Impoundment--Fee--Exception. Section 3.04.360 of this chapter shall not be applicable to any city dog owner who establishes that he or she has directly paid to the Humane Society of Humboldt County, Inc., those impoundment fees associated with his or her dog(s). (Ord. 88-199 §36, 1988)

6.04.380 Impoundment--Fee--Increase. The city may, from time to time, increase the fees charged those city dog owners whose dog(s) are impounded at the Humane Society, so that such charge equals the charge to the city by the Humane Society for the impoundment of the respective dog(s), should the Humane Society increase the charge to the city for the impoundment of the dog(s). (Ord. 88-199 §37, 1988)

6.04.390 Vaccination--Purpose. It is declared that this chapter is enacted for the purpose of the preservation of the public health, safety and welfare in connection with the protection of human beings from being bitten by rabid dogs. (Ord. 88-199 §61, 1988)

6.04.400 Vaccination--Required. No person shall own or harbor any dog over four months which has not been vaccinated by a duly licensed veterinarian in accordance with Section 6.04.420. (Ord. 88-199 §51, 1988)

6.04.410 Vaccination--Minimum age. Four months will remain the minimum age at which rabies immunization of dogs can be accepted for compliance with dog license requirements. (Ord. 88-199 §52, 1988)

6.04.420 Revaccination intervals. A. The interval for revaccination of dogs given primary immunization between the ages of four to twelve months will be twelve months.

B. The interval for revaccination of dogs given rabies vaccination at ages over one year will be at least once every three years. (Ord. 88-199 §53, 1988)

6.04.430 Vaccination--Authority of county officers. This chapter is in furtherance of the program of the county of vaccination of dogs against rabies whereby the county livestock inspector of the county of Humboldt is authorized by the county and directed by the county as follows:

A. To approve such vaccine or vaccines as he may find suitable for providing, by inoculation, two-year immunity of dogs from rabies, to promulgate his findings and approval and to file a statement of his findings and approval in the office of the county health officer as a public record.

B. To prescribe the form or forms of certificates to be used by duly licensed veterinarians under the provisions hereof, to file such approved form or forms in the office of the county health officer of the county of Humboldt as a public record, and to distribute samples of such form or forms to duly licensed veterinarians practicing in this county upon request being made by them. (Ord. 88-199 §54, 1988)

6.04.440 Vaccination--Certificate--Forms and contents. After vaccination of any dog, such veterinarian shall sign a certificate in triplicate containing the following information:

A. The name and address of the owner or harborer of the vaccinated dog.

B. The name, age, breed, color, sex and use of the vaccinated dog.

Such veterinarian shall immediately present the original certificate to the owner or harborer of the dog, a

duplicate copy of the certificate to the city clerk and the triplicate copy shall be retained by the veterinarian. All such certificates shall be on a form approved by the clerk of the county. (Ord. 88-199 §55, 1988)

6.04.450 Vaccination--Duplicates--Certificates. The duplicate copy of the certificate shall be mailed to the city clerk who shall retain and file this copy of the certificate. (Ord. 88-199 §56, 1988)

6.04.460 Vaccination--Certificate--Evidence. Possession of a certificate of vaccination on a duly approved form signed by a duly licensed veterinarian shall be prima facie evidence of vaccination of the dog referred to thereon on the date indicated on the certificate. (Ord. 88-199 §57, 1988)

6.04.470 Vaccination--Certificate--Misrepresentation. No person shall represent that any vaccination certificate in his possession or under his control was issued as a result of his vaccination of any dog other than the dog that was in fact vaccinated. (Ord. 88-199 §58, 1988)

6.04.480 Vaccination--False certificate prohibited. No person shall make use of or have in his possession or under his control a stolen, counterfeit or forged vaccination certificate. (Ord. 88-199 §59, 1988)

6.04.490 Vaccination--Certificate exhibit. No person who owns or harbors any dog shall fail or refuse to exhibit the certificate required herein upon demand. (Ord. 88-199 §60, 1988)

6.04.500 Violation--Penalty. A violation of any of the provisions of this chapter shall be an infraction. Each violation hereof shall be punishable by the penalties authorized by Government Code Section 36900. (Ord. 90-204 §2(L), 1990; Ord. 88-199 §70, 1988)

ORDINANCE NO. 94-1

AN ORDINANCE OF THE CITY OF TRINIDAD ADDING CHAPTER 6.05 TO THE TRINIDAD MUNICIPAL CODE, DEALING WITH ANIMALS DECLARED TO BE A NUISANCE.

The City Council of the City of Trinidad does hereby ordain as follows:

SECTION 1. A new chapter 6.05 is hereby added to the Trinidad Municipal Code as follows:

SECTION 2. Section 6.05.010 - Animals Declared to be a Nuisance

It is hereby declared to be a nuisance and it shall be unlawful to keep, maintain, or permit on any lot or parcel of land any animal, poultry, or household pet which by any sound, smell, or cry should unreasonably disturb the peace of any neighborhood, or interfere with any person or prevent the reasonable enjoyment of life or property.

SECTION 3. Section 6.05.020 - Public Nuisance; Punishment

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

SECTION 4. This Ordinance shall take effect thirty (30) days after its passage.

Passed, Approved, and Adopted this 11th day of MAY 1994 by the following roll call vote:

AYES: ODOM, KIRK, SAUNDERS, GLOBUS

NOES: EMERSON

ABSTAIN: 0

ABSENT: 0

Tom Odom, Mayor
City of Trinidad

ATTEST:

Janelle Case
Janelle Case, City Clerk
City of Trinidad

ORDINANCE NO. 99-2

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF TRINIDAD
AMENDING THE TRINIDAD MUNICIPAL CODE

TITLE 6, ANIMALS
CHAPTER 6, DOG PROHIBITIONS

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

Section 1: Title 6, Animals, Chapter 6, Dog Prohibitions, is hereby added to the Trinidad Municipal Code as follows:

**SEC. 6.06.01. Dog Prohibitions on Wagner Street Trail.**

It shall be unlawful for the owner or person in charge of or in control of a dog to permit such dog, either leashed or unleashed, to enter or be in or upon that portion of the Indian Beach public access known as the Wagner Street Trail beginning at its western most point, and continuing southeasterly along the Trail to its junction with Parker Creek Trail.

Section 2: This ordinance will take effect thirty (30) days after the date of its adoption.

Dated: April 14, 1999

ATTEST:

City Clerk, City of Trinidad

APPROVED:

Mayor, City of Trinidad

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 99-2, passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California, on the 14 day of April, 1999, by the following vote:

AYES: Twoomey, Wilbur, Hogan, Titchenell, Cuthbertson
NOES: None
ABSENT: None

City Clerk, City of Trinidad

CLERK'S CERTIFICATE

THIS IS TO CERTIFY that the attached is a true and correct copy of Ordinance No. 99-2 of the City of Trinidad. Said Ordinance 99-2 was introduced and read at the regular meeting for the City Council of the City of Trinidad, California, held March 10, 1999. This Ordinance, again read at the regular meeting of the City Council of the City of Trinidad, held April 14, 1999, and at the time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES: Twoomey, Wilbur, Hogan, Titchenell, Cuthbertson

NAYS: None

ABSENT: None

Alex Brehm
City Clerk
City of Trinidad

# Title 7

(RESERVED)

# Title 8

## HEALTH AND SAFETY

Chapters:

8.04 Health Officer
8.08 Hazardous Substances
8.12 Nuisances
8.16 Weeds
8.20 Fire District

## Chapter 8.04

## HEALTH OFFICER

Sections:

8.04.010 Appointed--Duties.

8.04.010 Appointed--Duties. The county health officer is appointed to serve as the city health officer and is authorized to perform environmental health services on behalf of the city within the city limits. (Ord. 162 §1, 1979)

## Chapter 8.08

## HAZARDOUS SUBSTANCES

Sections:

8.08.010 Purpose.
8.08.020 Definitions.
8.08.030 Administration.
8.08.040 Design standards and monitoring systems for new facilities.
8.08.050 Monitoring systems for existing facilities.
8.08.060 Abandonment.
8.08.070 Permit--Required.
8.08.080 Permit--Application--Filing.
8.08.090 Permit--Application--Contents.
8.08.100 Permit--Issuance.
8.08.110 Permit--Term.
8.08.120 Permit--Contents
8.08.130 Monitoring.
8.08.140 Fees.
8.08.150 Transferability.
8.08.160 Inspections.

8.08.170 Unauthorized release.
8.08.180 Repairs.
8.08.190 Grounds for revocation.
8.08.200 Method of revocation.
8.08.210 Appeals.
8.08.220 Appeal hearing.

8.08.010 Purpose. It is the purpose of this chapter to establish standards for construction and monitoring of facilities used for the underground storage of hazardous substances, and to establish a procedure for issuance of permits for the use of these facilities. (Ord. 85-183 §1, 1985)

8.08.020 Definitions. For the purposes of this chapter:

"Council" means the Trinidad city council.

"Facility" means any one, or combination of, underground storage tanks used by a single business entity at a single location or site.

"Hazardous substance" means all of the following liquid and solid substances unless the State Water Resources Control Board determines the substance could not adversely affect the quality of the water of the city or the region:

1. Substances on the list prepared by the Director of the Department of Industrial Relations pursuant to Section 6392 of the Labor Code of the state of California;

2. Hazardous substances, as defined in Section 25316 of the Health and Safety Code of the state California;

3. Any substance or material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, a class II combustible liquid, or a class II-A combustible liquid.

"Operator" means the operator of an underground storage tank.

"Owner" means the owner of an underground storage tank.

"Permitting authority" shall be the city of Trinidad or its designee.

"Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, and association. "Person" also includes any city, county, district, the state, or any department or agency thereof.

"Pipe" means any pipeline or system of pipelines which is used in connection with the storage of hazardous substances and which are not intended to transport hazardous substances in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel.

"Primary containment" means the first level of containment, such as the portion of a tank which comes into immediate contact on its inner surface with the hazardous substance being contained.

"Product-tight" means impervious to the substance which is contained, or is to be contained, so as to prevent the seepage of the substance from the primary containment. To be product-tight, the tank shall not be subject to physical or chemical deterioration by the substance which it contains over the useful life of the tank.

"Secondary containment" means the level of containment external to, and separate from, the primary containment.

"Single-walled" means construction with walls made of only one thickness of material. For the purpose of this chapter, laminated, coated, or clad materials shall be considered single-walled.

"Special inspectors" means a professional engineer, registered pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code of the state of California, who is qualified to attest, at a minimum, to structural soundness, seismic safety, the compatibility of construction materials with contents, cathodic protection, and the mechanical compatibility of the structural elements.

"Storage" or "store" means the containment, handling or treatment of hazardous substances, either on a temporary basis or for a period of years. "Storage" or "store" does not mean the storage of hazardous wastes in an underground storage tank if the person operating the tank has been issued a hazardous waste facilities permit by the State Department of Health Services pursuant to Section 25200 or granted interim status under Section 25200.5 of the Health and Safety Code of the state, and has submitted to the permitting authority documentation verifying the issuance of the permit or the granting of the interim status.

"Unauthorized release" means any release or emission of any hazardous substance which does not conform to the provisions of this chapter, unless this release is authorized by the State Water Resources Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the state.

"Underground storage tank" means any one or combination of tanks, including pipes connected thereto, which is used for the storage of hazardous substances and which is substantially or totally beneath the surface of the ground. "Underground storage tank" does not include any of the following:

1. A tank used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the county agricultural commissioner if he or she determines, by inspection prior to use, that the tank provides a level of protection equivalent to that required by Section 8.08.040, if the tank was installed after June 30, 1984, or protection equivalent to that provided by Section 8.08.050, if the tank was installed on or before June 30, 1984.

2. Tanks which are located on a farm and store motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes.

3. Tanks used for aviation or motor vehicle fuel located within one mile of a farm and the tank is used by a licensed pest control operator, as defined in Section 11705 of the Food and Agricultural Code of the state, who is primarily involved in agricultural pest control activities.

4. Structures, such as sumps, separators, storm drains, catch basins, oil field gathering lines, refinery pipelines, lagoons, evaporation ponds, well cellars, separation pumps, lined and unlined pits, sumps and lagoons. Sumps which are a part of a monitoring system required under Section 8.08.040 or 8.08.050 are not exempted by this subsection. (Ord. 85-183 §2, 1985)

8.08.030 Administration. Except as otherwise provided, the director of public works or his designee shall administer this chapter. (Ord. 85-183 §22, 1985)

8.08.040 Design standards and monitoring systems for new facilities. No underground storage tank or facility shall be installed after the effective date of the ordinance codified in this chapter, unless a permit to operate is first obtained from the permitting authority. A permit to operate shall not be issued for any underground storage tank or facility installed after the effective date of the ordinance codified in this chapter, unless the underground storage tank or facility meets the following requirements:

A. Be designed and constructed to provide primary and secondary levels of containment of the hazardous substances stored in them in accordance with the following performance standards:

1. Primary containment shall be product-tight;

2. Secondary containment shall be constructed to prevent structural weakening as a result of contact with any released hazardous substances, and also shall be capable of storing, for the maximum anticipated period of time necessary for the recovery of any released hazardous substance;

3. In the case of an installation with one primary container, the secondary containment shall be large enough to contain at least one hundred percent of the volume of the primary tank;

4. In the case of multiple primary tanks, the secondary container shall be large enough to contain one hundred fifty percent of the volume of the largest primary tank placed in it, or ten percent of the aggregate internal volume of all primary tanks, whichever is greater;

5. If the facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty-four hour rainfall as determined by a one-hundred-year storm history;

6. Single-walled containers do not fulfill the requirement of an underground storage tank providing both a primary and a secondary containment;

7. The design and construction of underground storage tanks for motor vehicle fuels storage need not meet the requirements of subdivisions 1 to 6 of this subsection, inclusive, if the primary containment construction is of glass fiber, reinforced plastic, cathodically protected steel, or steel clad with glass fiber reinforced plastic, and any such alternative primary containment is installed in conjunction with a system that will intercept and direct a leak from any part of the tank to a monitoring well to detect any release of motor vehicle fuels stored in the tank and which is designed to provide early leak detection, response, and to protect groundwater from releases, and if the monitoring is in accordance with the alternative method identified in 8.08.050(B)(3). Pressurized piping systems connected to underground storage tanks used for the storage of motor vehicle fuels and monitored in accordance with Section 8.08.050(B)(3) shall also be deemed to meet the requirements of this subdivision.

B. Be designed and constructed with a monitoring system capable of detecting the entry of the hazardous material stored in the primary containment into the secondary containment. If water could intrude into the secondary containment, a means of monitoring for water intrusion and for safely removing the water shall also be provided.

C. When required by the permitting authority, a means of overfill protection for any primary tank, including an overfill prevention device or an attention-getting high level alarm, or both. Primary tank filling operations of underground storage tanks containing motor vehicle fuels which are visually monitored and controlled by a facility operator satisfy the requirements of this subsection.

D. Different substances that in combination may cause a fire or explosion, or the production of flammable, toxic, or poisonous gas, or other deterioration of a primary and secondary containment so as to avoid potential intermixing.

E. If water could enter into the secondary containment by precipitation or infiltration, the facility shall contain a means of removing the water by the owner or operator. This removal system shall also provide for a means of analyzing the removed water for hazardous substance contamination and a means of disposing of the water, if so contaminated, at an authorized disposal facility. (Ord. 85-183 §3, 1985)

<u>8.08.050 Monitoring systems for existing facilities</u>. No underground storage tank or facility installed on or before January 1, 1984, and used for the storage of hazardous substances shall continue to operate unless a permit is obtained by January 1, 1986. No permit to operate such tank

or facility shall be issued or remain valid unless the following actions are taken:

A. On or before January 1, 1986, the owner shall outfit the facility with a monitoring system capable of detecting unauthorized releases of any hazardous substances stored in the facility, and thereafter, the operator shall monitor each facility, based on materials stored and the type of monitoring installed.

B. On or before January 1, 1986, the owner shall provide a means for visual inspection of the tank, wherever practical, for the purpose of monitoring required by subsection A of this section. Alternative methods of monitoring the tank on a monthly, or more frequent basis, may be required by the permitting authority.

The alternative monitoring methods include, but are not limited to, the following methods:

1. Pressure testing, vacuum testing or hydrostatic testing of the piping systems or underground storage tanks;

2. A groundwater monitoring well or wells which are down gradient and adjacent to the underground storage tank, vapor analysis with a well where appropriate, and analysis of soil borings at the time of initial installation of the well. The permitting authority shall develop regulations specifying monitoring alternatives and shall approve the location and number of wells, the depth of wells and the sampling frequency, pursuant to these regulations;

3. For monitoring tanks containing motor vehicle fuels, daily gauging and inventory reconciliation by the operator, if inventory records are kept on file for one year and are reviewed quarterly, the tank is tested for tightness hydrostatically or, when appropriate with pressure between three and five pounds, inclusive, per square inch at time intervals specified by the State Water Resources Control Board and whenever any pressurized system has a leak detection device for tightness hydrostatically or where appropriate, with pressure between three and five pounds, inclusive, per square inch whenever there is a shortage greater than the amount specified by the State Water Resources Control Board. (Ord. 85-183 §4, 1985)

8.08.060 Abandonment. A. No person shall abandon an underground storage tank or close or temporarily cease operating an underground storage tank except as provided in this section.

B. An underground storage tank which is temporarily taken out of service, but which the operator intends to return to use, shall continue to be subject to all the permit, inspection, and monitoring requirements of this chapter, unless the operator complies with the provisions of subsection C of this section for the period of time the underground tank is not in use.

C. No person shall close an underground storage tank unless the person undertakes all of the following actions:

1. Demonstrates to the permitting authority that all residual amounts of the hazardous substance or hazardous substances which were stored in the tank prior to its closure have been removed, properly disposed of, and neutralized;

2. Adequately seals the tank to minimize any threat to the public safety and the possibility of water intrusion into, or runoff from, the tank.

3. Provides for, and carries out, the maintenance of the tank as permitting authority determines is necessary, for the period of time the permitting authority requires.

4. Demonstrates to the permitting authority that there has been no significant soil contamination resulting from a discharge in the area surrounding the underground storage tank or facility. (Ord. 85-183 §5, 1985)

8.08.070 Permit--Required. A. No person shall operate a facility for the underground storage of any hazardous substance within the incorporated area of the city, unless by authority of a valid, unexpired and unrevoked permit to operate issued to the owner pursuant to the provisions of Sections 8.08.040 and 8.08.050.

B. A person shall be deemed to operate a facility and be in violation of a section if such person, without a required permit, supervises, inspects, directs, organizes, manages or controls or is in any way responsible for or in charge of the facility for which the permit is required.

C. This section does not obviate the requirements to obtain valid permits pursuant to other provisions of this code, or compliance with other applicable ordinances, including but not limited to the city zoning ordinance, and all applicable building and fire codes. (Ord. 85-183 §6, 1985)

8.08.080 Permit--Application--Filing. All applications for a permit shall be filed in the office of the director of public works, or his designee. (Ord. 85-183 §7, 1985)

8.08.090 Permit--Application--Contents. The application for a permit shall be filed on a form and contain such information as is prescribed by the permitting authority, including the following:

A. A description of the construction of the underground storage tank or tanks;

B. A list of all the hazardous substances which are or will be stored in the underground storage tank or tanks, specifying the hazardous substances for each underground storage tank;

C. A description of the monitoring program for the underground storage tank or tanks;

D. The name and address of the person, firm, or corporation which owns the underground storage tank or tanks and, if different, the name and address of the person who operates the underground storage tank or tanks;

E. The address of the facility at which the underground storage tank or tanks are located;

F. The name of the person making the application;

G. The name and twenty-four hour phone number of the contact person in the event of an emergency involving the facility;

H. If the owner or operator of the underground storage tank is a public agency, the application shall include the name of the supervisor of the division, section, or office which operates the tank;

I. Such other further information as is deemed necessary to administer the provisions of this chapter. (Ord. 85-183 §8, 1985)

8.08.100 Permit--Issuance. The permitting authority shall act upon the application not later than ninety days after the date it is accepted as complete unless the applicant has filed with the permitting authority written notice of a request and received written approval for extension of the time within which action is taken on the grounds that additional time is required to prepare or present plans or other information, obtain zoning variances or other permits, or make other corrections remedying inconsistencies with the provisions of this chapter; or the permitting authority has on file a written notice from a public agency showing just cause for an extension of time, and has approved an extension of time pursuant thereto. (Ord. 85-183 §9, 1985)

8.08.110 Permit--Term. The term of the permit to operate shall be five years, at which time the permittee may apply in the manner prescribed herein for renewal of the permit for another five-year term or terms. (Ord. 85-183 §10, 1985)

8.08.120 Permit--Contents. A. The permit shall contain a complete description of the enterprise for which it is issued, the date of permit issuance and date of permit expiration, and a description of any and all conditions upon which the permit has been issued. A copy of the permit shall be kept on the storage premises and shall be made available to the permitting authority upon request.

B. As a condition of any permit to operate an underground storage tank, the permittee shall complete an annual report on a form provided by the permitting authority, which shall describe any changes in the usage of any underground storage tanks, including the storage of new hazardous

substances, changes in monitoring procedure and unauthorized release occurrences. (Ord. 85-183 §11, 1985)

8.08.130 Monitoring. A. The operating of the underground storage facility shall monitor the facility using the method specified on the permit for the facility. Records shall be kept in sufficient detail to enable the permitting authority to determine that the operator has undertaken all monitoring activities required in the permit.

B. If the operator is not the owner, the owner shall provide a copy of the permit to the operator, enter into a written contract with the operator which requires the operator to monitor the tank as set forth in the permit, and provide the operator with a copy of a summary of this section, in the form which the permitting authority specifies by regulation. The owner shall notify the permitting authority in writing of any change of operator within thirty days of such change. (Ord. 85-183 §12, 1985)

8.08.140 Fees. The city council may, by resolution or ordinance, prescribe fees for the issuance and renewal of a permit and fees for the filing of appeals regarding such permits or the revocation thereof. (Ord. 85-183 §13, 1985)

8.08.150 Transferability. No person shall operate an underground storage tank unless a permit has been issued. Any person who is to assume the ownership of an underground storage tank from the current owner shall provide a written statement accepting the conditions and obligations of the permit to the permitting authority not later than thirty days after the ownership of the underground storage tank is transferred. (Ord. 85-183 §14, 1985)

8.08.160 Inspections. A. The permitting authority shall inspect every underground storage tank or facility at least once every three years. The purpose of the inspection is to determine whether the tank or facility complies with the design and construction standards of this chapter, whether the operator has monitored and tested the tank as required by the permit, and whether the tank is in a safe operating condition. After an inspection, the permitting authority shall prepare a compliance report detailing the inspection and shall send a copy of this report to the permittee.

B. In addition to, or instead of, the inspections specified in subdivision A of this section, the permitting authority may require the permittee to employ, periodically, special inspectors to conduct an audit or assessment of the permittee's facility to determine whether the facility complies with the factors specified in subdivision A of this section and to prepare a special inspection report with recommendations concerning the safe storage of hazardous

materials at the facility. The report shall contain recommendations consistent with the provision so this chapter, where appropriate. A copy of the report shall be filed with the permitting authority at the same time the inspector submits the report to the permittee. Within thirty days after receiving this report, the permittee shall file with the permitting authority a plan to implement all recommendations contained in the report or shall demonstrate, to the satisfaction of the permitting authority, why these recommendations should not be implemented.

C. In order to carry out the purposes of this chapter, any duly authorized representative of the permitting authority has the authority to inspect any place where underground storage tanks are located or to inspect real property which is within two thousand feet of any place where underground storage tanks are located. (Ord. 85-183 §15, 1985)

8.08.170 Unauthorized release. A. Any unauthorized release from the primary containment which the operator is able to clean up within eight hours and which does not escape from the secondary containment, does not increase the hazard of fire or explosion, and does not cause any deterioration of the secondary containment of the underground storage tank, shall be recorded on the operator's monitoring reports.

B. Any unauthorized release which escapes from the secondary containment, increases the hazard of fire or explosion, or causes any deterioration of the secondary containment of the underground tank shall be reported by the operator to the permitting authority within twenty-four hours after the release has been detected or should have been detected. A full written report shall be transmitted by the owner or operator of the underground storage tanks within five working days of the occurrence of the release.

C. The permitting authority shall review the permit whenever there has been an unauthorized release or when it determines that the underground storage tank is unsafe. In determining whether to modify or terminate the permit, the permitting authority shall consider the age of the tank, the methods of containment, the methods of monitoring, the feasibility of any required repairs, the concentration of the hazardous substances stored in the tank, the severity of potential unauthorized releases, and the suitability of any other long-term measures preventive measures which would meet the requirements of this chapter. (Ord. 85-183 §16, 1985)

8.08.180 Repairs. Any physical modification including replacement, of an underground storage tank or facility, shall be undertaken in compliance with applicable codes as specified in Section 8.08.070(C). (Ord. 85-183 §17, 1985)

8.08.190 Grounds for revocation. Any permit issued pursuant to this chapter may be revoked during its term upon one or more of the following grounds:

A. That an unauthorized release has occurred pursuant to Section 8.08.170(C).

B. That modifications have been made to the underground storage tank or facility in violation of the permit.

C. That the holder of the permit has violated one or more conditions upon which the permit has been issued. (Ord. 85-183 §20, 1985)

8.08.200 Method of revocation. The permitting authority may revoke a permit by issuing a written notice of revocation, stating the reasons therefor, and serving same, together with a copy of the provisions of this chapter, upon the permittee. The revocation shall become effective fifteen days after the date of service, unless the permittee files an appeal in accordance with the provisions of Section 8.08.210. If an appeal is filed, the revocation shall not become effective until the appeal is decided by the council. (Ord. 90-204 §2(M), 1985; Ord. 85-183 §21, 1985)

8.08.210 Appeals. A. Any decision of the permitting authority may be appealed to the council by an interested party.

B. 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 of public works, or his designee, no later than fifteen days after the date of the decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which complaint is made shall be deemed to have been waived. (Ord. 85-183 §18, 1985)

8.08.220 Appeal hearing. A. Not later than thirty days, or as soon thereafter as the matter can be heard, following the date of filing an appeal within the time and in the manner prescribed by Section 8.08.210, the council shall conduct a hearing on the appeal. 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.

B. During the hearing, the burden of proof shall rest with the appellant. The provisions of the California Administration 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 so applicable. At the conclusion of the hearing, the council shall either grant, conditionally grant, or deny the appeal. (Ord. 85-183 §19, 1985)

ORDINANCE NO. 2004-04

**AN ORDINANCE OF THE CITY OF TRINIDAD REPLACING CHAPTER 8.12 (NUISANCES), REPEALING CHAPTER 8.16 (WEEDS), SECTIONS 15.08.020 THROUGH 15.08.120 (ENFORCEMENT OF BUILDING AND ZONING REGULATIONS) AND SECTION 17.76.050 (ZONING ORDINANCE PENALTIES) AND AMENDING SECTIONS 15.04.280, 15.08.010 AND 17.76.040 OF THE TRININDAD MUNICIPAL CODE TO REFER TO THIS CHAPTER AND ESTABLISHING NUISANCE ABATEMENT PROCEDURES, PENALTIES, COST RECOVERY PLAN AND REVOLVING FUND**

THE CITY COUNCIL OF THE CITY OF TRINIDAD DOES ORDAIN AS FOLLOWS:

## Section 8.12.010 PURPOSE AND SCOPE

A. The City Council hereby finds and determines that enforcement of City ordinances and conditions on entitlement in City permits and agreements are matters of local concern and serve important public purposes. Under the authority of and consistent with Government Codes described below in Section 8.12.020, the City of Trinidad adopts this nuisance abatement ordinance in order to protect the public health, safety and welfare of the neighborhoods and citizens in the City of Trinidad.

B. The provisions of this ordinance shall apply to all owners, occupants, residents, business owners and other responsible parties. Regardless of whether the owner is in actual possession of his or her real property within the City of Trinidad, it is his or her responsibility to prevent a public nuisance from arising on, existing or being maintained upon his or her property.

C. The purpose of this Public Nuisance Abatement Ordinance is to provide a comprehensive method for identification of certain public nuisances within the City of Trinidad, encourage compliance where a public nuisance violation exists, and to establish the authority to abate the nuisance and to recover all associated costs of this procedure.

D. The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and in addition to any other provisions of Trinidad City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City to pursue abatement of and/or abate any and all public nuisances.

E. This ordinance shall apply to any and all properties within the city limits of Trinidad.

## Section 8.12.020 ABATEMENT AUTHORITY

Not withstanding other legal authorities:

A. California Government Code section 38771 authorizes a city to declare by ordinance what constitutes a public nuisance. Civil Code section 3493 outlines the three remedies which a municipality can use to remove or abate the activity. Section 731 of the Code of Civil Procedure authorizes the District Attorney or the City Attorney to bring a civil action in the name of the People of the State of California to abate public nuisances. Penal Code 372 permits the filing of a criminal complaint. Government Code sections 25485, 38771 and 38773.5 authorize cities to enact local enforcement ordinances that establish administrative procedures to abate public nuisances. Government Code section 53069.4 allows a city to enact penalties for ordinance violations.

B. The California Constitution (Article XI, section 7) grants cities the police power to enforce its nuisance abatement ordinance.

C. The City has the authority to make the costs of any and all abatement proceedings a special assessment against the parcel collectible at the same time and in the same manner as ordinary property taxes through recording a lien on the property.

## Section 8.12.030 PUBLIC NUISANCE DEFINED

A. The legal principle of public nuisance prohibits unreasonable, noxious, or disturbing activities that negatively affect a community or neighborhood.

B. A nuisance is hereby defined to be:
   (1) Any condition declared by statute of the State of California or ordinance of the County of Humboldt or City of Trinidad to be a nuisance. Some examples of nuisances are enumerated below.
   (2) Violations of the Trinidad Municipal Code.
   (3) Any public nuisance known at common law or equity.
   (4) An attractive nuisance which may prove dangerous or detrimental to any person.
   (5) Any condition dangerous to human life, unsafe, or detrimental to the public health, safety or wellbeing.

## Section 8.12.040 NUISANCES DESCRIBED

The following are some examples of situations that could constitute a public nuisance. The list shall not be considered exhaustive. Additional situations may be determined to be a public nuisance by the City's staff and/or City Council.

A. Structures violating the standards established in the City of Trinidad Municipal Code, including chapters relating to building, zoning, water, sewage disposal and vehicles, as well as policies of the City's General Plan.

B. A Building, Structure, or Septic System That is in a State of Disrepair
   *Example 1:* A building or structure which has broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers.
   *Example 2*: A building or structure, the exterior, walls, fences, retaining walls, driveways, or walkways which are broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety.
   *Example 3*: A septic system that is inadequately designed for the type of use(s) occurring on the property or a system that is inadequately maintained, pumped or repaired to the extent that proper treatment of wastes is not occurring (failed system).

C. Abandoned Building or Structure:
   *Example 1*: A building or structure, which has not been inhabited, occupied or used for a period of six months or more and which is in, or in danger of being in a state of disrepair or an attractive nuisance.
   *Example 2*: A partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for a period of 3 months or more.

D. Property inadequately maintained:

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b) If entry is denied, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.

(2) The Enforcement Officer shall make a reasonable effort to locate the owner of unoccupied property or premises, inform the owner of the reasons for entry and request entry.

(3) The Enforcement Officer shall not enter any property or premises in the absence of permission to enter, unless an inspection warrant has been issued by a court of competent jurisdiction.

C. When ever the enforcement official has inspected, or caused to be inspected any premises and has found and determined that such premises are in violation of this code, he/she may commence proceedings to cause abatement of the nuisance as provided herein.

D. The enforcement official shall send a written notice to the City Council and City Clerk describing the nuisance/violation, his/her intent to commence nuisance abatement proceedings and recommend corrective action. The City Council may elect to discuss the item at a public meeting. If there are several pending violations, the Council may discuss them all at once. The Council may elect to continue abatement proceedings, hold any or all for a later date or terminate the process for any or all of the violations.

E. Nothing in this Chapter shall be construed as requiring the City to enforce the prohibitions in this Chapter against all or any properties which may violate the Ordinance. In the City's prosecutorial discretion, and as the City's resources permit, this Ordinance may be enforced only as to a limited number of problem properties per year. The City may prioritize nuisances and enforce abatement based on these priorities as resources permit. Nothing in this Section or the absence of any similar provisions from any other City law shall be construed to impose a duty upon the City to enforce such other provision of law.

F. If a violation is found to exist that the City is responsible for, such as on City owned property, the City has a responsibility to abide by its own ordinances and abate the nuisance, but the Council may elect to do so on their own terms, not according to this ordinance.

## Section 8.12.080 DELIVERY OF NOTICES

A. Any notice or letter required to be delivered by this ordinance shall be deemed to have been delivered when a copy of said notice is either served personally or has been deposited in the mail, postage prepaid, certified, return receipt requested to the owner and/or occupant, lessee or agent of the property. A copy of the notice may also be prominently affixed to the premises. If no address can be found or is known to the City, then any notice shall be so mailed to such person at the address of the premises where the nuisance is occurring. The failure of any person to receive such notice shall not affect the validity of the proceedings of this ordinance.

## Section 8.12.090 COURTESY LETTER, NOTICE OF NUISANCE

A. Courtesy Letter (first notice): Upon determination by the enforcement official that a nuisance exists of a non-emergency nature, a Courtesy Letter will be prepared by the City Clerk and delivered to the owner, occupant, lessee and/or agent of the property where the nuisance is occurring. The Courtesy Letter will:
   (1) Provide a street address, parcel number, legal description or other description sufficient to identify the premises affected;
   (2) Describe the condition causing the nuisance;

(3) Include a description of corrective action that must occur to remedy the violation;
(4) An order to commence the abatement of said nuisance within two (2) weeks of delivery of the Courtesy Letter, and to thereafter diligently prosecute and complete said abatement;
(5) Advise the owner/occupant/lessee or agent of the property that failure to abate the nuisance within the time limit specified will result in further action by the City, including issuance of an order to abate and fines and that all costs to the City shall become a charge against the premises.
(6) Notify the owner/occupant/lessee of their opportunity to request a public hearing before the City Council as provided in Section 8.12.130 to either contest that a violation exists or that it is not their responsibility.

B. If the nuisance is promptly abated by the owner and/or person having possession or control of the subject premises, no further action shall be taken by the City.

## Section 8.12.100 WEED ABATEMENT

The City shall gain the authority to abate/destroy weeds, dry grass, rubbish and other inflammable material or vegetation ten (10) days from the delivery of the Courtesy Letter/Notice to Destroy Weeds. The costs of such abatement, including all administrative costs, shall be the responsibility of the property owner and recoverable per Section 8.12.150 of this ordinance.

## Section 8.12.110 NOTICE AND ORDER TO ABATE NUISANCE

A. Notice and Order (second notice): If, upon the expiration of the period specified in the Courtesy Letter, action to abate the nuisance has not been commenced, or, if it has been commenced, it has not been prosecuted with due diligence nor completed within a reasonable time, the enforcement official shall prepare and deliver a Notice of Violation and Order to Abate to the owner/lessee/occupant and/or agent. The Notice and Order may be recorded in the Office of the County Recorder of the County of Humboldt. The Notice and Order will contain:
(1) A heading, "Notice to Abate Nuisance," in letters not less than three-fourths of an inch in height;
(2) All information contained in the Courtesy Letter;
(3) Provide dates by which the violation must be commenced and entirely abated: Commencement must occur within two (2) weeks of the notice delivery and abatement must be complete within the amount of time specified by the enforcement official in the Notice and Order. The timeframe will depend on the type of nuisance, and the enforcement official may grant an extension. The dates shall be set by the City Council upon appeal;
(4) Provide a description of the penalties of failure to remedy the nuisance;
(5) Give notice that if the nuisance has not been abated within two (2) weeks of the specified time limit the City shall have the authority to abate the nuisance itself or via a contractor and that the responsibility for the costs of abatement, including the costs of actual removal, repair or demolition and the associated staff time, legal costs, and administrative costs shall become a charge against the premises, and shall be made a lien or special assessment against the premises, and that a special assessment may be collected at the same time and in the same matter as is provided for the collection of ordinary county taxes, and shall be subject to the same penalties, interest and to the same procedures of foreclosure and sale in the case of delinquency as is provided for ordinary property taxes, and that failure to comply may also warrant the pursuit of further civil and/or criminal charges in accordance with the laws of the State of California.
(6) Describe the rights of the owner, lessee and/or occupant of the land to appeal the Enforcement Official's order and request a public hearing before the City Council. (Refer to Section 8.12.130)
(7) Information that the lessor cannot retaliate against a lessee pursuant to Section 1942.5 of the Civil Code.

## Section 8.12.120 CRIMINAL OR CIVIL PENALTIES

Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of the Chapter as criminal, civil or abatement actions.

A. Infraction/misdemeanor. Any person who violates any of the provisions of this Chapter shall be guilty of an infraction and/or misdemeanor. Each and every day, or any part thereof, during which any such violation is committed, continued, or allowed shall be a separate offense.

B. Prosecution. Every violation of this Chapter shall be a misdemeanor; provided, however, that where the City Attorney has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading or citation, that the violation shall be prosecuted as an infraction.

C. Penalty for infraction. Each and every violation of this Chapter which is deemed an infraction is punishable by:
   (1) A fine not exceeding one-hundred dollars ($100.00) for the first violation;
   (2) A fine not exceeding two-hundred dollars ($200.00) for the second violation of the same or similar provision within one year period; or,
   (3) A fine not exceeding five-hundred dollars $500.00) for each additional violation, after the second, of the same or similar provision of this Chapter within a one year period of the first violation.

D. Penalty for misdemeanor. Each and every violation of this Chapter which is deemed a misdemeanor, is punishable by a penalty of not more than one-thousand ($1,000) dollars; or by imprisonment in the City or County jail for a period of not exceeding six (6) months; or, by both penalty and imprisonment.

E. Civil Penalties. Any person who intentionally, accidentally, or negligently violates any provision of this Chapter may be civilly liable to the City in the sum of not less than one hundred dollars ($100.00) but not to exceed one thousand dollars ($1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess and recover such sums. The civil penalty provided in this Section excludes inspection costs and cleanup or abatement costs; is cumulative and not exclusive; and, shall be in addition to all other remedies available to the City under state law and local ordinances.

## Section 8.12.130 PUBLIC HEARING / APPEALS

A. Upon written request by the owner, lessee or occupant of the property when received by the City within ten (10) days of delivery of the Courtesy Notice or Notice and Order to Abate, a public hearing shall be scheduled before the City Council at their next available regularly scheduled meeting. The Council may call a special meeting for the public hearing at their discretion. The amount of the appeal fee or deposit shall be set by resolution of the City Council and may be modified from time to time.

B. Notice of the time and place of the hearing shall be given to the appellant and the owner and/or occupant if not the appellant, by first class mail to the address provided by appellant in the written notice of appeal at least ten (10) days prior to the hearing. Any person affected may be present at such hearing, may be represented by counsel, may present testimony and evidence, and may cross-examine involved City staff, and other witnesses. The hearing may be continued from time to time by City Council action.

C. Within the same ten (10) day time period, the owner, lessee or occupant of the property may submit to the City in writing a sworn declaration that the nuisance does not exist and/or is not their responsibility. In this case, the appeal hearing process may proceed without the party present.

D. Upon conclusion of a hearing, the Council may terminate the abatement proceedings, modify the ordered corrective action, or order the abatement to proceed. The decisions made by the City Council shall be binding. The decision of the Council, including any findings, shall be in writing and shall be filed with the City Clerk and a copy shall be served on the appellant by first class mail to the address provided by the appellant in the written notice of appeal.
   (1) The City Council may grant additional time for the responsible party to effect the abatement of the nuisance, provided that such an extension is warranted and limited to a specific time period, set by a motion and passed by a majority of the City Council.
   (2) If the City Council determines that the nuisance shall be abated within the original time period, failure to do so will result in the accruing of penalty fees and further action.

## Section 8.12.140 JURISDICTION TO ABATE

A. Upon the expiration of the time limits set by the Notice and Order to Abate or the time extension granted by City Council, and the nuisance has not been abated or duly commenced, the City, the enforcement official or their designees shall be empowered and have the authority to enter the property and abate the public nuisance thereon.

B. In abating the nuisance, the City may go to whatever legal extent necessary to complete the abatement of the public nuisance including removal and demolition of the nuisance. All related costs shall be recoverable from the owner and made a charge against the premises. Expenses to the owner/lessee/occupant shall include the actual costs of abatement as well as the associated administrative and legal costs, including staff time, court costs and attorneys' fees, and penalties.

## Section 8.12.150 COST RECOVERY OF ABATEMENT AND ASSOCIATED ADMINISTRATIVE COSTS

A. Costs: Upon investigation and determination that a nuisance is found to exist, the City shall retain the right to continue the abatement process set forth by this ordinance at the expense of the owner/lessee/occupant of the premises. All charges incurred by the City to complete the nuisance abatement process, including the initial inspection and Courtesy letter, shall be made a charge against the premises as provided herein.

B. Accounting and Receipts
   (1) The City shall keep an itemized account of the expenses incurred by the City in enforcing the provisions of this ordinances including the costs of actually abating a public nuisance and all administrative, legal and contracting costs.

   (2) The affected department shall maintain records of all administrative costs incurred by such department, associated with the abatement of nuisances, and shall recover costs from the property owner as provided herein. Staff time shall be calculated at the hourly rate that is currently paid or as established and revised from time to time by the City Council.

   (3) Upon completion of the abatement the City Clerk shall prepare an invoice which will specify the work done and include an itemized account of the costs and receipts of performing the work; an address, legal description or other description sufficient to identify the premises; the amount of the assessment proposed to be levied against the premises. The invoice may include penalty

charges as provided in Section 8.12.120. The City Clerk shall send the invoice to the owner and/or person having possession or control of the subject premises by certified mail, return receipt requested. The notice will contain a statement that the responsible party may file a request for public hearing before the City Council to contest the charges within ten (10) days of delivery of the invoice.

C. City Council Hearing: If requested by the responsible party, the City Clerk shall place the account on the agenda for the next available regularly scheduled City Council meeting. The Council may choose to hold a special meeting to hear the item. The responsible parties will be notified of the time and place of the hearing. At the hearing, the Council shall hear and consider the account, penalties and proposed assessment, together with objections and protests thereto. The Council may make such modifications and revisions of the proposed assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the Council shall be final and conclusive.

D. Penalties and/or Costs will be billed directly to the responsible party. Failure to pay in a timely manner determined by the Enforcement Official will result in the preparation and recording of a lien on the property.

**Section 8.12.160 REVOLVING FUND**

A. The City Council may create a Nuisance Abatement Revolving Fund from which may be paid the costs of enforcing the provisions of this ordinance and the City's Nuisance Abatement Program, and into which shall be paid the receipts from the collection of penalties and costs recovered.

B. The material property retrieved from any nuisance abated by the City may be sold in the same manner as surplus City personal property is sold, and the proceeds from such sale shall be paid into the revolving fund.

C. The fund may be set up using whatever monetary sources the Council deems appropriate. A private donor may also contribute to the fund for general nuisance abatement or for a specific nuisance.

**Section 8.12.170 LIEN OR SPECIAL ASSESSMENT**

A. Notice: If the responsible party fails to pay the charges set forth in the invoice, notice shall be given to the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current, of the City's intent to file a lien or special assessment prior to recordation of the lien or special assessment. The notice shall specify that the property may be sold after three (3) years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The notice shall be served in the same manner as summons in a civil action in accordance with article 3 (commencing with Section 415.10) of the Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by the posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation published in Humboldt County pursuant to Section 6062.

B. Attorney's Fees: The prevailing party in any action, administrative proceeding, or special proceeding may recover attorney's fees; provided however, that the recovery of attorney's fees by the prevailing party is limited to those individual actions or proceedings in which the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorney's fees. In no action,

administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fess incurred by the City in the action or proceeding.

C. Recordation: Upon failure of the responsible party to pay penalties and costs, and upon confirmation by the Council, the City Clerk shall cause to be prepared and recorded in the Office of the County Recorder of the County of Humboldt, a Notice of Lien. Said Notice shall contain the following:
   (1) An address, parcel number, legal description or other description sufficient to identify the premises.
   (2) A description of the proceedings under which the special assessment was made, including the order of the Council confirming the assessment.
   (3) The amount of the assessment.
   (4) A claim of lien upon the described premises.

D. Lien: Upon the recordation of such Notice of Lien and from the date of recording, the lien shall have the force, effect, and priority of a judgment of lien. In the event that the lien is discharged, released, or satisfied, wither through payment of foreclosure, notice of the discharge containing the information specified in the Notice of Lien shall be recorded by the City Clerk. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index. A nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. The City may recover from the property owner any costs incurred regarding the processing and recoding of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

E. Collection with ordinary taxes: The Notice of Lien or Special Assessment, after recordation, shall be delivered to the County Auditor who shall enter the amount of the lien or special assessment on the assessment roll as special assessments. The special assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

**Section 8.12.180 SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

**Section 8.12.190** This ordinance becomes effective thirty (30) days after the date of its enactment.

**NOW THERFORE BE IT FURTHER RESOLVED:**
Section 15.04.280 of the Trinidad Zoning Ordinance (Municipal Code) shall be amended to read as follows:

**Section 15.04.280 Violations / Public Nuisance**
No person shall violate any provision, or fail to comply with any of the requirements of this chapter and/or the secondary codes adopted herein. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title and/or any use of

property contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance; subject to the City's nuisance abatement procedures and penalties set forth in Chapter 8.12 of the Trinidad Municipal Code.

**NOW THERFORE BE IT FURTHER RESOLVED:**
Section 15.08.010 of the Trinidad Zoning Ordinance (Municipal Code) shall be amended to read as follows:

**Section 15.08.010 Enforcement of Building and Zoning Regulations**
The procedure for enforcement of zoning and building regulations shall be as provided in Chapter 8.12 (Nuisances) of the Trinidad Municipal Code.

**NOW THERFORE BE IT FURTHER RESOLVED:**
Section 17.76.040 of the Trinidad Zoning Ordinance (Municipal Code) shall be amended to read as follows:

**Section 17.76.040 Public nuisance**
No person shall violate any provision, or fail to comply with any of the requirements of this chapter. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title and/or any use of property contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance; subject to the City's nuisance abatement procedures and penalties set forth in Chapter 8.12 of the Trinidad Municipal Code.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Trinidad at a regular meeting on June 9, 2004, by the following vote:

| | |
|---|---|
| AYES: | Marlow, Bowman, Heyenga, Lin, Morales |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |

**Attest:**

**Gabriel Adams**
Trinidad City Clerk

| | |
|---|---|
| **First Reading:** | June 9, 2004 |
| **Second Reading:** | July 27, 2004 |

# Chapter 8.12

## NUISANCES

Sections:


8.12.010 Purpose and scope.
8.12.020 Definitions.
8.12.030 Service of notice.
8.12.040 Notice of nuisance--First notice.
8.12.050 Notice of nuisance--Contents.
8.12.060 Notice to be recorded.
8.12.070 Notice to abate nuisance--Second notice.
8.12.080 Notice to abate nuisance--Contents.
8.12.090 Hearing.
8.12.100 Order of the council.
8.12.110 Jurisdiction to abate.
8.12.120 Revolving funds.
8.12.130 Sale of materials.
8.12.140 Account of costs and receipts and notice of assessment.
8.12.150 Hearing on account and proposed assessment.
8.12.160 Notice of lien.
8.12.170 Lien.
8.12.180 Collection with ordinary taxes.


8.12.010 Purpose and scope. Any nuisance, as defined herein, existing on any parcel of land in the city, may be abated as provided herein. The procedure for the abatement provided herein shall not be exclusive, but shall be cumulative and in addition to any other abatement procedure provided by the laws of the state, or the ordinances of the city. (Ord. 87-189 §1, 1987)

8.12.020 Definitions. For the purposes of this chapter:

"Beneficial owner" means any mortgagee of record; a beneficiary under a recorded deed of trust; the owner or holder of any lease of record; provided, however, that the United States, the state of California, and the county of Humboldt shall not be deemed to be beneficial owners by virtue of any lien for unpaid taxes.

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

"Enforcement official" means any officer of the city charged with the duty of enforcing ordinances of the city, of the laws of the state.

A "nuisance" is defined as follows:

1. Any condition declared by the city of Trinidad to be a nuisance;

2. Any attractive nuisance which may prove dangerous or detrimental to infants or children;

3. Any condition dangerous to human life, unsafe, or detrimental to the public health or safety.

"Occupier" means the person occupying or otherwise in real or apparent charge and control of the premises affected.

"Owner" means the owner of record of the premises affected. (Ord. 87-189 §§2, 3, 1987)

8.12.030 Service of notice. A. Any notice required to be given by the provisions of this chapter shall be deemed to have been given when:

1. A copy of the notice is either served personally or has been deposited in the mail, postage prepaid, certified, return receipt requested, to every owner, occupier and beneficial owner of the premises affected, addressed to such person at his last known place of address.

2. The failure of the enforcement official to make or attempt to make such service on any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served. If no address can be found or is known to the enforcement official, then any notice shall be so mailed to such person at the address of the premises affected by the proceedings. The failure of any person to receive such notice shall affect the validity of any proceedings taken hereunder; and

B. A copy of the notice is prominently and conspicuously affixed to the premises affected by the proceedings herein. (Ord. 87-189 §4, 1987)

8.12.040 Notice of nuisance--First notice. Upon the determination by the enforcement official that a nuisance exists, the enforcement official shall prepare a notice of nuisance, and shall cause copies of the notice of nuisance to be served as provided in Section 8.12.030. (Ord. 87-189 §5, 1987)

8.12.050 Notice of nuisance--Contents. The notice of nuisance shall contain the following:

A. A street address, legal description, or other description sufficient to identify the premises affected;

B. A description of the condition causing the nuisance. Where the enforcement official has determined that the condition causing the nuisance can be corrected or abated by repair thereof, the notice shall state the repairs which will be required.

C. Where the enforcement official has determined that the condition causing the nuisance is imminently dangerous to human life or limb, or is unsafe, or is detrimental to the public health or safety, he may order that the building

or structure affected by vacated, pending the correction or abatement of the conditions causing the nuisance.

D. An order to commence the abatement of the nuisance within thirty days, and to thereafter diligently prosecute and complete the abatement.

E. A statement that if the required abatement is not commenced as prosecuted within the time limit specified, the enforcement official will apply to the council for an order to abate the nuisance, and that the costs of such abatement shall become a charge against the premises, and shall be made a special assessment against the premises, and that the special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes, and shall be subject to the same penalties, interest and to the same procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes. (Ord. 87-189 §6, 1987)

8.12.060 Notice to be recorded. At the time the notice of nuisances is served as provided herein, the enforcement official shall cause a copy of the notice of nuisance to be recorded in the office of the county recorder of the county. (Ord. 87-189 §7, 1987)

8.12.070 Notice to abate nuisance--Second notice. If, upon the expiration of the period specified in the notice of nuisance, action to abate the nuisance has not been commenced, or, if it has been commenced, it has not been prosecuted with due diligence nor completed within a reasonable time, the enforcement official shall cause a notice to abate nuisance to be prepared, and shall serve such notice as provided in Section 8.12.030. (Ord. 87-189 §8, 1987)

8.12.080 Notice to abate nuisance--Contents. The notice to abate nuisance shall contain the following:

A. A heading, "notice to abate nuisance," in letters of not less than three-fourths of an inch in height.

B. A notice to appear before the council at a stated time and place, which said time and place shall be not less than fifteen days after service of the notice, to show cause, if any there be, why such condition should not be condemned as a nuisance, and why such nuisance should not be abated by the enforcement official. (Ord. 87-189 §9, 1987)

8.12.090 Hearing. At the time and place specified in the notice to abate nuisance, the council shall proceed to hear the testimony of the enforcement official, his assistants or deputies, the testimony of the owner or his representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of the abatement, and other matters which the council may deem pertinent. Any person affected may be

present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the enforcement official, and other witnesses. The hearing may be continued from time to time. (Ord. 87-189 §10, 1987)

8.12.100 Order of the council. Upon the conclusion of the hearing, the council may terminate the abatement proceedings, or it may order the owner or other affected person to abate the nuisance, prescribing a reasonable time, not less than thirty days, for the completion of such abatement. Such order may further provide that, in the event such abatement is not commenced, prosecuted or completed within the terms set by the council, the enforcement official shall be empowered and authorized to abate the nuisance. The order of the council shall be served as provided in Section 8.12-.060 hereof, and the time limits set by the council shall not commence until the order is served as provided therein. (Ord. 87-189 §11, 1987)

8.12.110 Jurisdiction to abate. Upon the expiration of the time limits set by the council, as set out in Section 8.12.100 hereof, the enforcement official shall acquire jurisdiction to abate the nuisance. (Ord. 87-189 §12, 1987)

8.12.120 Revolving funds. The council may create a revolving fund or funds from which may be paid the cost of enforcing the provisions of this chapter, and into which shall be paid the receipts from the collection of costs as hereinafter set forth. (Ord. 87-189 §13, 1987)

8.12.130 Sale of materials. The materials contained in any nuisance abated by the enforcement official may be sold in the same manner as surplus city personal property is sold. (Ord. 87-189 §14, 1987)

8.12.140 Account of costs and receipts and notice of abatement. The enforcement official shall keep an itemized account of the costs of enforcing the provisions of this chapter, and of the proceeds of the sale of any material connected therewith. Upon the completion of the abatement, the enforcement official shall cause a notice to be prepared, specifying the work done, an itemized account of the costs and receipts of performing the work, an address, legal description or other description sufficient to identify the premises, the amount of the assessment proposed to be levied against the premises, and the time and place when and where the enforcement official will submit the account to the council for confirmation. The time and place specified shall be not less than fifteen days after the service of the notice as provided in Section 8.12.100 hereof. The notice shall contain a statement that the council will hear and

consider objections and protests to the account and proposed assessment. (Ord. 87-189 §15, 1987)

8.12.150 Hearing on account and proposed assessment. At the time and place fixed in the notice, the council shall hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the council may make such modifications and revisions of the proposed account and assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the council as to all matters contained therein shall be final and conclusive. (Ord. 87-189 §16, 1987)

8.12.160 Notice of lien. Upon confirmation by the council, the enforcement official shall cause to be prepared and recorded in the office of the county recorder of the county, a notice of lien. The notice shall contain the following:

A. An address, legal description or other description sufficient to identify the premises;

B. A description of the proceedings under which the special assessment was made, including the order of the council confirming the assessment;

C. The amount of the assessment;

D. A claim of lien upon the described premises. (Ord. 87-189 §17, 1987)

8.12.170 Lien. Upon the recordation of such notice of lien, the amount claimed shall constitute a lien upon the described premises. Such lien shall be upon a parity with the liens of state and county taxes. (Ord. 87-189 §18, 1987)

8.12.180 Collection with ordinary taxes. The notice of lien, after recordation, shall be delivered to the county auditor who shall enter the amount of the lien on the assessment roll as special assessments. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary county taxes, and all laws applicable to the levy, collection and enforcement of county taxes are made applicable to such assessment. (Ord. 87-189 §19, 1987)

*TRINIDAD CITY HALL*
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

*Chi-Wei Lin, Mayor*
*Gabriel Adams, City Clerk*

# ORDINANCE NO. 2006 - 02

## AN ORDINANCE AMENDING SECTIONS OF THE TRINIDAD HEALTH AND SAFETY CODEAND RELATING TO THE PROTECTION OF COASTAL VIEWS FROM UNREASONABLE OBSTRUCTION BY VEGETATION

**WHEREAS**: The City's General Plan recognizes the contribution of scenic resources, including both coastal views and vegetation, to the character and vistas of the City.

**WHEREAS**: The Trinidad Zoning Ordinance protects coastal views from certain structures, but does not adequately protect views from vegetation related blockage.

**WHEREAS**: Coastal Act §30251 recognizes the importance of preserving scenic coastal views.

**WHEREAS**: This ordinance has been duly noticed for public hearings before the Planning Commission and City Council.

**WHEREAS**: This ordinance is categorically exempt from CEQA per § 15304 and 15305 of the CEQA Guidelines exempting minor alterations to land and/or vegetation and minor alterations of land use limitations.

**WHEREAS**: The City of Trinidad declares that there is no substantial evidence that the project will have a significant effect on the environment, and that said project does not individually or cumulatively have an adverse impact on wildlife resources, as defined by § 711.2 of the California Fish and Game Code.

**NOW THERFORE BE IT RESOLVED**:
Those properties delineated in the Views and Vegetation Map (Exhibit A), attached hereto, will be subject to the provisions provided in this ordinance.

**NOW THERFORE BE IT FURTHER RESOLVED**:
The following Chapter shall be added to the Trinidad Health and Safety Code, Title 8 of the City Municipal Code:

## CHAPTER 8.16: VIEWS AND VEGETATION OVERLAY ZONE

### Section 8.16.010: Purpose

The purposes of this Chapter are to:

A. Establish the right of *persons* to protect their coastal *views* from *unreasonable obstruction* by the growth of *trees* or other *vegetation*.

B. Establish the right of *persons* to *restore* coastal *views* that have been unreasonably blocked by *trees* or other *vegetation*.

C. Establish a process by which *persons* may seek restoration of such coastal *views* when unreasonably obstructed by the growth of *trees* or other *vegetation*.

**Section 8.16.020: Applicability**

This Chapter shall apply to the area of the City mapped as "Area subject to *Views* and *Vegetation* Provisions" on the "Views and Vegetation Map" (§8.16.030). The provisions in this Chapter shall be in addition to any other City ordinance regulating the use of land, including the Trinidad Zoning Ordinance (Title 17). This Chapter shall also apply to *vegetation* within public rights-of-way located within the areas mapped as "Areas subject to *Views* and *Vegetation* Provisions."

**Section 8.16.030: Views and Vegetation Map**

1. This section consists of the Views and Vegetation Map of the City of Trinidad. A copy of the Views and Vegetation Map shall be kept on file in the office of the City Clerk.

2. The Views and Vegetation Map may be amended in whole or in part from time to time. Amendments to the Map may be initiated by the City Council, the Planning Commission or a property owner. A property owner wishing to amend the Map, shall file an application with the City. The applicant shall be responsible for all City expenses associated with processing a Views and Vegetation Map amendment. At the time of application submittal, the applicant shall pay a fee / deposit for the Views and Vegetation Map Amendment. The fee / deposit shall be the same as for a Design Review application, or as otherwise established by resolution of the City Council. The Planning Commission shall hold at least one public hearing on a proposed amendment. All property owners within 300 feet of the proposed amendment shall be notified of the time, place and nature of the hearing at least seven calendar days before the hearing. After the public hearing(s), the Planning Commission shall make a recommendation to the City Council regarding the amendment. Thereafter, the City Council shall set the matter for public hearing. The City Council's decision shall be final.

**Section 8.16.040: Principles**

The City's General Plan (1978) recognizes the contribution of scenic resources, including both coastal *views* and *vegetation*, to the character and vistas of the City. Trinidad General Plan Design Guideline 4 (p. B-2) states: *"Buildings, fences, paved areas, signs and landscaping, and similar developments shall not be allowed to significantly block views of the shoreline from key public viewing points or from view points inside structures located uphill from the proposed development."* The Trinidad Zoning Ordinance protects coastal *views* from certain structures through the design review process, but does not adequately protect *views* from *vegetation* related blockage.

*Vegetation* produces benefits for residents and visitors, contributing to the natural environment by modifying temperatures and winds, replenishing oxygen, providing wildlife habitat, controlling soil erosion and providing scale, color and visual buffers between land uses. However, *vegetation* and *views*, and the benefits derived from each may come into conflict. The planting of *trees* and other *vegetation* and their subsequent growth, particularly when such *trees* are not properly maintained, can produce unintended harmful effects, both on the property on which they are planted or on neighboring properties.

Coastal *views* are important to both residents and visitors, contributing to the enjoyment and value of property and providing vistas of Trinidad Head, Little Trinidad Head, Trinidad Harbor, the Pacific Ocean and the rocky coastline and islands. It is also recognized that certain areas of the City have such unparalleled *views*, that the preservation of these coastal *views* warrants special protection from *vegetation* that grows to block those *views*. Significant public and private coastal *views* have already been lost to *vegetation* growth since the adoption of the General Plan in 1978. The intent of these regulations is to provide guidelines and standards to resolve disputes between neighbors, balancing *vegetation*- and *view*-related values in the interest of public health, safety and welfare.

The rights and the restorative process are based upon the following general principles:

1. The City recognizes that residents, property owners, businesses and the general public cherish their coastal *views* from the City. The City recognizes that coastal *views* contribute greatly to the quality of life in Trinidad, including property values, and promote the general welfare of the entire community. The City also recognizes that *views* are the most prevalent reason residents choose to live in certain areas of the City.

2. The City also recognizes the desire of many of its residents, property owners, and businesses for beautiful and plentiful landscaping, including *trees*. The City realizes that this desire may sometimes conflict with the preservation of *views*, and that disputes related to *vegetation* and *view* obstruction are inevitable.

3. Owners and residents shall maintain *vegetation* on their property in a healthy condition for both safety reasons and for preservation of coastal *views*. Before landscaping, owners and residents are responsible for considering *views* and blockage potential, both when planted and at landscaping maturity.

4. The City has established the following process by which *persons* may seek to protect and *restore views* that have been unreasonably blocked by the growth of *trees* or other *vegetation*. The City has also established herein a list of factors to be considered in determining appropriate actions to *restore views*. These factors shall consider the rights and enjoyment of property of the *vegetation*'s owner. *Persons* retain the right to seek civil remedies when threatened by *dangerous tree growth* independent of the provisions of this Chapter.

5. When a *view* obstruction dispute arises, the parties should act reasonably to resolve the dispute through friendly communication, thoughtful negotiation, compromise, and other traditional means. Those disputes that are not resolved through such means shall follow the procedure established herein.

6. It is the intent of the City that the provisions of this Chapter receive thoughtful and reasonable application. It is not the intent of the City to encourage the *removal* of *dedicated trees*, or *vegetation* that contributes to slope stability or the substantial denuding of any property of its *vegetation* by overzealous application of provisions of this Chapter.

**Section 8.16.050: Definitions**

For the purpose of this Chapter, the meaning and construction of words and phrases shall be as set forth in this section. Words used in the present tense include the future; the singular shall include the plural, and the plural the singular. (Italicized words in this ordinance are those that are defined in this section):

**Arborist:** A *person* possessing the technical competence through experience and related training to provide for or supervise the management of *trees* or other woody *vegetation* in a landscape setting (can be a *tree* service specialist).

**Complaining party:** Any property owner (or legal occupant with written permission of the property owner) within the City limits who alleges that *vegetation* located on the property of another *person* is causing *unreasonable obstruction* of his or her *view*. A *complaining party* can be more than one property owner or resident if multiple *persons' views* are affected by the same *vegetation*. The City, or a City representative, may also be a *complaining party* on behalf of public coastal *views* from public roads, trails or vista points.

**Crown Reduction (or Shaping):** A method of comprehensive *trimming* that reduces a *tree's* height or spread. *Crown reduction* entails the reduction of the top, sides, or individual limbs of a *tree* by means of elimination of leaders or the longest portion of limbs to a lateral large enough to assume the terminal.

**Dangerous Tree Growth:** A *tree*, or any portion of a *tree* that has a reasonable potential to cause injury or property damage as determined by the City Engineer or an *arborist*.

**Dedicated Tree:** A *tree* of special significance due to aesthetic, historic or environmental value so designated by the City Council as set forth in this Chapter.

**Heading Back:** The overall reduction of the mass of a tree by modification to its major limbs.

**Hedge:** Any plant material, including *trees*, *stump growth* or *shrubbery* planted or growing in a dense, continuous line, so as to form a thicket barrier or living fence.

**Lacing:** see *thinning*.

**Mediator:** A neutral, objective third *person* who assists people in finding mutually satisfactory solutions to their problem.

**Person:** Any individual, corporation, partnership, firm, or other legal entity.

**Pruning:** The *removal* of plant material from a *tree* or from *vegetation*.

**Removal:** The complete elimination, including roots, stems/trunk and leaves, of any *vegetation* from its present location.

**Restorative Action:** Any specific requirement as set forth by the Trinidad Planning Commission to resolve a *vegetation* and *view* dispute.

**Restore:** to bring back to a former, or original state.

**Shaping:** see *crown reduction*.

**Shrub or Shrubbery:** A woody perennial plant smaller than a *tree*, usually having permanent stems branching from or near the ground. References to "*shrub*" shall include the plural.

**Stump Growth:** New growth from the remaining portion of the *tree* trunk, the main portion of which has been cut off.

**Thinning (or Lacing):** A comprehensive method of *trimming* that systematically and sensitively removes excess foliage (generally entire branches) and improves the structure of a tree or other *vegetation*.

**Topping:** Elimination of the upper portions of any *vegetation*. Specifically for *trees*, it means the elimination of the upper portions of the trunk or main leader.

**Tree:** Any woody perennial plant having a single, usually elongate main stem generally with few or no branches on its lower part.

**Trimming:** The selective elimination of portions of or entire branches or other vegetative plant parts so as to modify the *vegetation's* shape or profile or alter its appearance.

**Unreasonable Obstruction:** Significant obstruction of a *view* by *vegetation* as determined by the Planning Commission using the criteria set forth in §8.16.080.

**Vegetation:** As used in this Chapter, *vegetation* includes *trees*, *shrubs*, *hedges*, vines, grasses or other plant material.

**Vegetation Owner:** Any *person* owning real property in Trinidad upon whose land is located *vegetation* alleged by a *Complaining party* to cause an *unreasonable obstruction*. In the case of *vegetation* within the

public right-of-way, the *vegetation owner* shall be the *person*(s) responsible for planting and/or maintaining the *vegetation*.

**View:** As used in this ordinance, *views* are limited to coastal *views*, including the Pacific Ocean, rocky coastline and islands, Trinidad Harbor, Trinidad Head and Little Trinidad Head. Private *views* are from the inside of a residence or an occupied commercial structure; exterior views may be a consideration used by the Planning Commission in making their findings for unreasonable obstruction. Public views are from public roads, trails or vista points.

**View Restoration Permit:** A permit issued by the Trinidad Planning Commission requiring *restorative action* on *vegetation* in order to *restore* or protect a *view* from *unreasonable obstruction*.

**Vista Pruning:** see *windowing*.

**Windowing (or vista pruning):** A form of selective *thinning* by which openings or "windows" are created to allow a *view* through the *tree* from a specific point.

**Section 8.16.060: Rights Established**

*Persons* shall have the right to protect and seek restoration of *views* from *vegetation* that exceeds the maximum height limitations set forth in §17.56.110 of the Trinidad Municipal Code and/or which have been *unreasonably obstructed* by the growth of *vegetation*.

In order to establish such rights pursuant to this Chapter, the *person* must follow the process established in this Chapter. In addition to the above rights, private parties and the City retain the right to seek remedial action for imminent danger or *view* blockage caused by *trees* independent of the provisions of this Chapter.

**Section 8.16.070: *Unreasonable obstruction* Prohibited**

No *person* within the *Views* and *Vegetation* Overlay Zone shall plant, maintain, or permit to grow any *vegetation* that *unreasonably obstructs* a *view* from any occupied structure or from key public viewing points within the City.

**Section 8.16.080: Criteria for Determining *Unreasonable Obstruction***

The following criteria are to be considered (but are not limited to) in determining whether *unreasonable obstruction* has occurred, or will occur:

(a) The extent of obstruction of a *view* compared to extent when property was purchased by the *complaining party* and/or when the General Plan was adopted (May 2, 1978), whichever is longer.

(b) To what extent the *view* being blocked contributes to the value, use and enjoyment of the property. Obstruction can be considered both that which is existing and that anticipated at *vegetation* maturity based on the *vegetation owner*'s stated maintenance intentions.

(c) The quality and percentage of the coastal *views* being obstructed, including obstruction of landmarks, vistas, or other unique features and the quality of the living area or viewpoint from which the *view* is blocked.

(d) The extent to which the *complaining party*'s *view* has been diminished over time by factors other than *vegetation* growth such as new residences or additions.

**Section 8.16.090: Process for Resolution of *View* Obstruction Disputes within the *Views* and *Vegetation* Overlay Zone**

The following process shall be used in the resolution of *view* obstruction disputes between parties:

**1. Initial Reconciliation:** Any *complaining party* who believes in good faith that the growth, maintenance and/or location of *vegetation* situated on the property of another unreasonably diminishes the beneficial use, economic value or enjoyment of the *view* from the *complaining party*'s property or from public roads, trails or vista points, shall notify the *vegetation owner* in writing of these concerns. For *trees*, it is recommended that the *complaining party* consult an *Arborist* and obtain a report for a feasible solution to the *view* problem that may avoid complete *removal* of the *tree*. The notification to the *vegetation owner* should include the *arborist's* report if one was obtained, and should also be accompanied by personal discussions / negotiations, if possible, to enable the *complaining party* and the *vegetation owner* to attempt to reach a mutually agreeable solution, both long term and short term, to the alleged *unreasonable obstruction*. Ongoing maintenance of the *vegetation* should be agreed upon in writing between the parties to avoid future conflicts. Cost allocation is to be agreed upon by *complaining party* and *vegetation owner*. The *complaining party* is also encouraged to work with other *persons* whose *views* are affected by the same *vegetation*.

**2. Mediation:** If the initial reconciliation attempt fails, the *complaining party* is encouraged to, at their own cost, propose mediation as an alternative means to settle the *view* obstruction dispute. A list of local *mediators* and mediation services shall be kept on file in the Office of the City Clerk. It shall be up to the *complaining party* and *vegetation owner* to decide on the details of the mediation process. Since mediation is voluntary, it shall be the decision of the *complaining party* to determine when mediation has failed and to choose to apply for a *view restoration permit*.

The *Mediator* shall consider the purposes, policies and criteria set forth in this Chapter in attempting to help resolve the dispute. The *Mediator* shall not have the power to issue binding orders for *restorative action*, but shall strive to enable the parties to resolve their dispute by written agreement in order to eliminate the need for City involvement. Any agreement that entails future or ongoing maintenance should be recorded on the deed and made to run with the land in order to minimize future disputes.

**3. View Restoration Permit:**

a. In those cases where the parties are unable to reach agreement through the Initial Reconciliation process or with the assistance of a *mediator*, any resident of the City whose *view* has been unreasonably blocked by *vegetation* within the "Area subject to *Views* and *Vegetation* Provisions" may file an application with the City for a *View Restoration Permit*. If more than one property owner is affected by the same *vegetation*, they may jointly file an application. The applicant shall file with the application written proof, such as a letter sent certified mail, that the applicant consulted, or attempted to consult, with the property owner whose *vegetation* is in question along with any other applicable information requested on the application form.

b. The applicant shall be responsible for all City expenses associated with processing a *View Restoration Permit*. At the time of application submittal, the applicant shall pay a fee / deposit for the *View Restoration Permit*. The fee / deposit shall be the same as for a Design Review application, or as otherwise established by resolution of the City Council.

c. The application shall be submitted to the City Clerk for public hearing before the Planning Commission a minimum of 30 days prior to the hearing. Upon receiving an application, written notice of the nature of the application shall be sent to the *vegetation owner*. Public hearing notification to the applicant, *vegetation owner,* neighboring property owners and the general public as prescribed in§17.72.130.A of the Trinidad Zoning Ordinance shall also be given. If the offending *vegetation* is a *tree* more than 12 inches in diameter at breast height or a dedicated tree, the public notice shall include issuance of a Conditional Use Permit pursuant to §17.72.040 of the Trinidad Zoning Ordinance for its possible *removal*.

d. Commission members should inspect the site prior to the public hearing.

e. All parties are encouraged to submit evidence supporting their positions, including, but not limited to, photographs, *arborist* report, geologic report, insurance claim, written statements from neighbors, etc.

f. If the *vegetation owner* fails to attend the hearing, the Commission shall continue the hearing once and direct staff to write a certified letter to the *vegetation owner* expressing the importance of attending the next hearing in order to support their stance. If the *vegetation owner* still fails to attend the hearing, the Planning Commission shall continue with the hearing process as set forth in this section.

g. In order for a *view* restoration permit to be issued, the Commission must find:
   i. The applicant has complied with the early neighbor consultation process and has shown written proof of cooperation on his/her part to resolve conflicts.
   ii. The offending *vegetation* results in the *unreasonable obstruction* of *view*(s) based on the criteria in section 8.16.090.
   iii. *Removal* or alteration of the *vegetation* will not cause an unreasonable infringement of the privacy, reasonable enjoyment or value of the property or the occupants of the property upon which the *vegetation* is located.
   iv. *Removal* or alteration of the *vegetation* will not cause significant environmental impacts.

h. Factors that shall be considered by the Commission in making the above findings and determining the appropriate *restorative action* include, but are not limited to:
   (i) The hazard posed by a *tree* or other *vegetation* to *persons* or structures including, but not limited to, fire danger and the danger of falling limbs or *trees*.
   (ii) The variety of *vegetation*, its projected rate of growth and maintenance requirements as well as its value or rarity.
   (iii) Aesthetic quality of the *vegetation*, including but not limited to species characteristics, size, growth, form, vigor and viewshed.
   (iv) Location with respect to overall appearance, design, or use of the *Vegetation Owner's* property.
   (v) Soil stability provided by the *vegetation* considering soil structure, degree of slope and extent of the *vegetation*'s root system.
   (vi) Privacy (visual and auditory) and wind screening provided by the *vegetation*(s) to the *Vegetation Owner* and to neighbors.
   (vii) Energy conservation and or climate control provided by the *vegetation*.
   (viii) Wildlife habitat provided by the *vegetation*.
   (ix) Whether *trees* are "*Dedicated Trees*", as defined herein.
   (x) The number of people whose *views* are affected and the distance away from the *vegetation* that the *complaining party* is located.

i. Should the Planning Commission consider requiring the *removal* of any *tree* that is more than 12 inches in diameter at breast height or that is a dedicated tree as part of any *restorative action*, then Conditional Use Permit findings per §17.72.040 of the Trinidad Zoning Ordinance must also be made and the Use Permit issued prior to *tree removal*.

j. Any *restorative action* ordered by the Planning Commission as part of a *View Restoration Permit* should include written conditions (including ongoing maintenance), and directions as to appropriate timing of such actions. An agreement for future maintenance of the offending *vegetation* should be enacted and recorded on the deed of the *vegetation owner* and made to run with the land and apply to successors in interest. Conditions of approval, including future maintenance, shall be enforced through the City's Nuisance Abatement Procedures (Chapter 8.12 of the Municipal Code). Where *removal* is required, replacement by an appropriate species should be considered.

**Section 8.16.100: Public Views**

For public view disputes, determination of *unreasonable obstruction* and the process for issuing a *view restoration permit* shall be as set forth above in Sections 8.16.060 – 8.16.090. Once the Planning Commission has determined that *unreasonable obstruction* has occurred, the Commission shall declare such to be a public nuisance in accordance with §8.16.160 below and the City's Nuisance Abatement Ordinance (Chapter 8.12 of the Municipal Code). The City shall then commence nuisance abatement procedures beginning with §8.12.110 (Notice and Order to Abate Nuisance). Sections 8.16.130 and 8.16.140 of this ordinance shall not apply to public views.

**Section 8.16.110: Designation of Dedicated Trees**

(a) Upon nomination by any *person*, including City Officials, and with the written consent of the property owner(s), the City Council may designate a *tree* or *trees* as a *Dedicated Tree*.

(b) A *tree* may be designated as a *Dedicated Tree* upon a finding that it is unique and of importance to the community due to any of the following factors:
   (1) It is an outstanding specimen of a desirable species;
   (2) It is one of the largest or oldest *trees* in Trinidad;
   (3) It possesses distinctive form, size, age, location, and/or historical significance.

(c) After Council approval of a *Dedicated Tree* designation, the City Clerk shall notify the property owner(s) in writing. A listing of *trees* so designated, including the specific locations thereof, shall be kept in the Office of the City Clerk.

(d) Once designated, a *Dedicated Tree* shall be given special consideration according to the provisions of this Chapter unless removed from the list of *Dedicated Trees* by action of the City Council. The City Council may remove a *tree* from the list upon its own motion or upon written request by the property owner. Request for such action must originate in the same manner as nomination for *Dedicated Tree* designation.

(e) No person shall remove or substantially alter a *dedicated tree* such that it's health or the traits for which it was dedicated may be impacted without first securing a Use Permit from the City pursuant to §17.72.040 of the Trinidad Zoning Ordinance. The City Building Official or any employee designated by the City is authorized and directed to immediately issue a stop work order to any *person* found to be removing or altering a *dedicated tree* without the authority required by this Chapter or Title 17 (Trinidad Zoning Ordinance) of the Trinidad Municipal Code.

**Section 8.16.120: City Guidelines Concerning *Restorative Action***

The City of Trinidad provides the following general guidelines concerning *restorative actions*. These techniques can be used alone or in conjunction with one another:

A. *Trimming*. *Trimming* is the most minor form of physical *restorative action*. This option is recommended when minor *unreasonable obstruction* has occurred, provided that ongoing maintenance is guaranteed. Over-pruning should be avoided.

B. *Thinning or Windowing*. When simple *trimming* will not resolve the *unreasonable obstruction*, *thinning* or *windowing* may be necessary. These should be supervised by a certified *arborist*. Ongoing maintenance may be required. Over-*thinning* should be avoided.

C. *Crown Reduction*. *Crown reduction* is preferable to *topping* or *tree removal*, if it is determined that the impact of *crown reduction* does not destroy the visual proportions of the *tree*, adversely affect the *tree*'s growth pattern or health, or otherwise constitute a detriment to the *tree*(s) in question.

D. *Stand Thinning*. The *removal* of a portion of the total number of *trees* from a grove of *trees*, without any replacement plantings may be a viable option.

E. *Topping. Topping* as a *restorative action* should be used with caution. *Topping* can have deleterious effects on a *tree*'s health, appearance, and cost of maintenance. *Topping* frequently results in *stump growth*. *Tree removal*, with replacement plantings, may be a preferable alternative. *Topping* is only to be permitted for *trees* specifically planted and maintained as a *hedge*, espalier, bonsai or in pollard form and if restoration actions (A) through (D) of this section will not accomplish the determined restoration and the subsequent growth characteristics will not create a future obstruction of greater proportions.

F. *Heading Back*. Includes eliminating the outer extent of the major branches throughout the *tree*. *Heading back* is only to be permitted for *trees* specifically planted and maintained as a *hedge*, espalier, bonsai or in pollard form and if restoration actions (A) through (E) of this section will not accomplish the determined restoration and the subsequent growth characteristics will not create a future obstruction of greater proportions.

G. *Removal*. *Vegetation removal* may be required where such *removal* is essential to protect *views*. While normally considered a drastic measure, *vegetation removal* can be the preferred solution in some circumstances, such as if there would be high maintenance requirements otherwise. *Removal* may be accompanied by appropriate replacement planting.

H. Other Considerations.

1. Once *vegetation* has been found to be causing *unreasonable obstruction*, in determining appropriate *restorative action*, the Planning Commission should seek to balance the wishes of all parties and strive to find a mutually agreeable solution. If such a solution is impossible, the Planning Commission should order *restorative action* that solves the *view* issue, while being the least intrusive to the *vegetation owner*.

2. *Stump growth*. *Stump growth* generally results in the hazard of weak limbs, and its protection is not desirable. When considering *restorative action* for *stump growth*, aggressive action is preferred. *Restorative action* which will result in future *stump growth* should be avoided.

3. Severe *pruning* should be avoided due to the damage such practice causes to the *tree's* form and heath.

4. Maintenance. Ongoing *vegetation* maintenance requirements are strongly recommended as part of *Restorative action* in order to achieve lasting preservation of *views* and shall be recorded on the deed.

5. Permanence. Conditions of *Restorative action* requiring future maintenance should be recorded on the deed and run with the land to help guarantee permanent preservation of *views* and avoidance of future disputes.

6. *Dangerous Tree Growth*. There are no protections for the *vegetation*; aggressive action should be taken to protect public health and safety.

7. In cases where *trimming*, *windowing*, *topping* or other *Restorative action* may affect the health of a *tree* which is to be preserved, such actions should be carried out in accordance with standards established by the International Society of Arboriculture for use in the State of California and/or carried out under the supervision of a Certified *arborist*.

**Section 8.16.130: Allocation of Costs of Corrective Action Required as the Result of a *View* Restoration Permit Decision**

The *complaining party* and *vegetation owner* shall each pay 50% of the cost for the lowest bid of the initial corrective action, except when special extenuating circumstances exist, the Planning Commission may determine that a different cost allocation is appropriate. Future maintenance of the *vegetation*, after the initial corrective action, shall be the responsibility of the *vegetation owner*. When there is more than one *complaining party*, the cost of the initial corrective action will be split evenly between the *vegetation owner* and all the *complaining parties*.

**Section 8.16.140: Implementation of Decision**

Within thirty (30) days after *view restoration permit* takes effect, the *vegetation owner* will obtain at least two bids for the prescribed work from an *arborist* and shall present the bids to the *complaining party*. Within fifteen (15) days after presentation of the bids, the *complaining party* shall deposit with the *vegetation owner* 50 percent (or other allocation as determined by the Planning Commission) of the amount of the lowest bid. The *vegetation owner* shall, at his/her sole discretion, choose the company by which he/she wishes the work done, but the *complaining party* is only responsible for his/her share of the costs of the lowest bid. The *vegetation owner* shall order the work done within fifteen (15) days after receiving the claimant's deposit. The *vegetation* owner shall pay the remainder of the bid amount of the company he/she has chosen. The authorized work of correction shall be done by an *arborist* under the sole direction and control of the *vegetation owner*.

**Section 8.16.150: Appeals**

Appeals shall be in accordance with §17.72.100 of the Trinidad Zoning Ordinance.

**Section 8.16.160: Enforcement and Penalties / Public Nuisance Declared**

Because the maintenance of *views* benefits the general welfare of the entire City, *Vegetation*, other than *Dedicated Trees*, which is determined to *unreasonably obstruct views* and which is not corrected in a timely manner, or which is not maintained as required in a *View Restoration Permit*, or *hedges* that exceed the height limitations set forth in § 17.56.110 of the Trinidad Zoning Ordinance are hereby declared public nuisances in accordance with §8.12.040 and subject to the City's nuisance abatement procedures as set forth in Chapter 8.12 of the Municipal Code.

To initiate the nuisance abatement process, the *complaining party* shall notify the City in writing regarding an alleged violation. If a nuisance is determined to exist, as part of the nuisance abatement process, a maintenance agreement adequate to maintain the *vegetation* shall be enacted. It shall be recorded on the deed of the *vegetation owner* and made to run with the land in order to avoid future nuisance abatement.

**Section 8.16.170: Liabilities**

A Planning Commission decision on a *View Restoration Permit* shall not create any liability of the City with regard to the *Restorative Actions* to be performed.

Failure of the City to enforce provisions of this Chapter shall not give rise to any civil or criminal liabilities on the part of the City.

**Section 8.16.180: Limitations**

It is not the intent of the City in adopting this Chapter to affect obligations imposed by an existing easement or a valid pre-existing covenant or agreement.

**Section 8.16.190: Severability**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid of unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

**Section 8.16.200: Effective Date**

This ordinance shall become effective thirty (30) days after the date of its enactment.

**PASSED, APPROVED, AND ADOPTED** on this 11th day of January, 2006, by the following vote:

| | |
|---|---|
| **Ayes:** | Marlow, Bowman, Lin, Heyenga, Cuthbertson |
| **Noes:** | None |
| **Absent:** | None |
| **Abstain:** | None |

**Attest:**

**Gabriel Adams**
Trinidad City Clerk

**Chi-Wei Lin**
Mayor

**First Reading:** January 11, 2006

**Second Reading:** February 08, 2006

# Chapter 8.16

## WEEDS

Sections:

8.16.010 Nuisance declared.
8.16.020 Notice to abate.
8.16.030 Posting of notices.
8.16.040 Mailing of notices.
8.16.050 Abatement authority.
8.16.060 Costs accounting--Claims.
8.16.070 Posting of report--Notice of assessment of costs.
8.16.080 Protests of cost assessment--Lien of assessments.
8.16.090 Claim constitutes lien--Collection.
8.16.100 Filing copy of report with county auditor.

8.16.010 Nuisance declared. Weeds, dry grass, rubbish, other inflammable material or vegetation, weeds bearing seeds of a wingy or downy nature or which attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, growing or remaining on any lot, piece or parcel of land within the city, or upon any public street, alley or sidewalk adjacent thereto, after the first day of June of each year, is declared to be a public nuisance. (Ord. 89-201 §2(part), 1989)

8.16.020 Notice to abate. Whenever the city manager of the city shall find any dry grass, weeds, dead trees, abandoned concrete or asphalt, tin cans, rubbish, paper, refuse or waste material of any kind, or other unsanitary substance, object or condition in or upon sidewalk, parkway or alley abutting or adjoining any lot, parcel, tract or piece of land within the city, or in or upon any lot, parcel tract, piece of land or grounds within the city, which may endanger or injure neighboring property or the public health, public safety, public welfare, or obstruct such sidewalks, parkways or alleys and thereby endanger or injure persons traveling thereon, he shall give or cause to be given, notice to remove such dry grass, weeds, dead trees, tin cans, abandoned concrete or asphalt, rubbish, paper refuse or waste material of any kind, or other unsanitary substance, object or condition. Such notice shall be in writing, signed by the city manager or his designated representative. The heading of the notice shall be "Notice to Destroy Weeds and Remove Rubbish, Refuse and Dirt" in letters not less than one-inch in height, and the notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 8th day of February, 1989, the City Council passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, in the City of Trinidad, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Trinidad, to be held on February 8, 1989, at 7:30 p.m., when their objections will be heard and given due consideration. Except as otherwise provided for at the above-referenced City Council meeting, the City will commence abating the above-described public nuisance five days after said City Council meeting on those parcels that have not abated the public nuisance.

Dated this ___ day of _____ , 19__.

_____
City Clerk, City of Trinidad

(Ord. 89-201 §2(part), 1989: Ord. 109 §5(1)(b), 1964)

8.16.030 Posting of notices. A. After passage of the resolution referred to in subsection B of this section, the city public works director shall cause notices to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. He shall post:

1. One notice to each separately owned parcel of property of not over fifty feet frontage;
2. Not more than two notices to any such parcel of one hundred feet frontage or less;
3. Notices at not more than one hundred feet apart if the frontage of such a parcel is greater than one hundred feet.

B. The notices shall be posted at least five days prior to the time for hearing objections by the city council. (Ord. 89-201 §2(part), 1989)

8.16.040 Mailing of notices. A. As an alternative to posting notice of the resolution and notice of the meeting when objections will be heard, the legislative body may direct the city clerk to mail written notice of the proposed abatement to all persons owning property described in the resolution. The city clerk shall cause such written notice to be mailed to each person to whom such described property is assessed in the last equalized assessment roll available on the date the resolution was adopted by the legislative body.

B. If the county assessor is to perform the functions of city assessor, the county assessor, at the request of the city clerk, shall within ten days thereafter mail to the city clerk a list of the names and addresses of all of the persons owning property described in the resolution. The addresss of the owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The city shall reimburse the county for the actual costs of furnishing such list and the cost shall be a part of the costs of abatement.

C. The notices mailed by the city clerk shall be mailed at least five days prior to the time for hearing objections by the city council.

D. The notices mailed by the city clerk shall be substantially in the form provided by subsection A of this section, except that notices shall be signed by the city clerk and the heading of the notice need not comply with subsection B of this section. (Ord. 89-201 §2(part), 1989)

8.16.050 Abatement authority. If any person given the notice provided for in subsections B, C and D of this section fails to comply therewith within the time therein provided or as extended by the city council, it shall be the duty of the city public works director to cause to be removed all such dry grass, weeds, dead trees, tin cans, abandoned concrete or asphalt, rubbish, paper, refuse and waste material of every kind, and every other unsanitary substance, object and condition therefrom. (Ord. 89-201 §2(part), 1989)

8.16.060 Costs accounting--Claims. The public works director shall keep an account of the costs of abating such nuisances as provided in subsection E on each piece of property liable for the expenses thereof, and present an itemized written report to the city council for confirmation of such costs, which shall be a claim therefor against the city. A copy of such claim shall also be served upon the

owner of the property referred to therein. A copy of the report shall also be placed on file with the city clerk. (Ord. 89-201 §2(part), 1989)

8.16.070 Posting of report--Notice of assessment of costs. A. A copy of the report referred to in Section 8.16.060 of this section shall be posted for at least three days prior to its submission to the city council on or near the chambers door of the city council, with a notice of the time of submission.

B. Within ten days after the filing of the report referred to in Section 8.16.060, the public works department shall cause to be published in a newspaper of general circulation of the city, a notice substantially in the following form:

NOTICE
EQUALIZATION OF WEED REMOVAL, NUISANCE ABATEMENT AND CLEANING ASSESSMENTS

NOTICE IS HEREBY GIVEN that the City Council of the City of Trinidad, California, will on the ____ day of _____, 19__, in the Council Chambers in the City Hall of the said City, beginning at the hour of 8:00 p.m. of the said day, hear any protests or objections by those property owners liable to be assessed for weed and nuisance abatement, and the failure to make any objection thereto will be deemed a waiver of the same.

A statement showing all property affected and the respective taxes or charges against the same is now on file in the office of the City Clerk at the City Hall of the City of Trinidad and is open to public inspection.

Dated this ____ day of _____, 19__.

_____
CITY CLERK

(Ord. 89-201 §2(part), 1989)

8.16.080 Protests of cost assessment--Lien of assessments. Any interested person objecting to the proposed assessment may file a written protest with the city clerk at or before the time set for the hearing referred to in the notice published in accord with the preceding section. The city clerk shall present to the city council all protests so filed with him. The city clerk shall present to the city council all protests so filed with him. The city council sitting as the board of equalization at the hearing which

shall be had at the first regular meeting of the city council next after the expiration of ten days from the date of publication of the notice, may modify or correct any assessment which, in their opinion, is excessive or otherwise incorrect. If no corrections or modifications are made, the assessments shall be confirmed or by motion or resolution of the city council and the respective assessments shall thereupon become a lien against the respective property involved and against the premises or property abutting or adjoining the sidewalk, parkway or alley until the respective assessments are paid. If any correction or modification in any assessment is made by the city council, such corrected or modified amount shall be deemed confirmed and the city council's decision thereupon shall be conclusive and the same shall thereupon become a lien as above provided. (Ord. 89-201 §2(part), 1989)

8.16.090 Claim constitutes lien--Collection. If claim is not previously paid, the collector of taxes for the city shall note upon the tax bills a statement of the amount of such claim, and such claim, upon recordation, shall constitute a lien on such property and shall be collected in the manner as all other property taxes are collected; provided, however, that the city may, by proper action, foreclose such lien by a suit or otherwise; and provided further, that the expense of abating such nuisance shall constitute a personal obligation against the owner of such property. (Ord. 89-201 §2(part), 1989)

8.16.100 Filing copy of report with county auditor. A certified copy of the report referred to in Section 8.16.060 shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year. (Ord. 89-201 §2(part), 1989)

## Chapter 8.20

## FIRE DISTRICT

Sections:

8.20.010 Established.

8.20.010 Established. The entire city does declare to be and is established as a fire district and the fire district shall be known and designated as Fire Zone 3. (Ord. 127 §1, 1962)

*TRINIDAD CITY HALL*
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

*Chi-Wei Lin, Mayor*
*Gabriel Adams, City Clerk*

# ORDINANCE NO. 2007-01

## CHAPTER 8.30: PROHIBITED FIRES & FIREWORKS

**Section 8.30.010: Fires**
It is unlawful for any person to light, kindle, build, use, or maintain any campfire, barbecue, or other fires for any purpose on beaches including publicly owned shoreline area within the limits of the City of Trinidad. Violation of this ordinance shall be deemed an infraction punishable by a fine set forth by resolution of the City Council.

**Section 8.30.020: Fireworks**
It is unlawful for any person to possess, discharge, set off, or cause to be discharged any firecrackers, torpedoes, rockets, fireworks, explosives, or substances harmful to the life or safety of persons, pets, or wildlife on beaches including any publicly owned shoreline area within the limits of the City of Trinidad. Violation of this ordinance shall be deemed an infraction punishable by a fine set forth by resolution of the City Council.

**Effective Date**
This ordinance shall become effective thirty (30) days after the date of its enactment.

**PASSED, APPROVED, AND ADOPTED** on this 14th day of February, 2007, by the following vote:

| | |
|---|---|
| **Ayes:** | Binnie, Miller, Lin, Bhardwaj, Heyenga |
| **Noes:** | None |
| **Absent:** | None |
| **Abstain:** | None |

**Attest**:

**Gabriel Adams**
Trinidad City Clerk

**Chi-Wei Lin**
Mayor

**First Reading**: January 23, 2007

**Second Reading:** February 14, 2007

ORDINANCE NO. 96-10

adopted 5/22/96

# AN URGENCY ORDINANCE OF THE CITY OF TRINIDAD PROHIBITING OPEN ALCOHOL CONTAINERS IN THE CITY OF TRINIDAD

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

SECTION 1. Open Containers Prohibited. No person shall have in his or in her possession any bottle, can, or other receptacle containing any alcoholic beverage and which has been opened, or has a seal broken, or the contents of which have been partially removed upon any public street, sidewalk, parking lot, alley, vacant lot, or beach within the city limits of the City of Trinidad.

SECTION 2. Exception. It shall not be unlawful to possess any bottle, can, or other receptacle containing any alcoholic beverage and which has been opened, or has a seal broken, or the contents of which have been partially removed, within such areas and during such times as a permit issued by the City Council or their designated representative is in effect.

SECTION 3. Penalties. Any violation of any provision of this ordinance is hereby declared to be an infraction, and any person, upon conviction of said infraction, shall be punished in accordance with the penalties for infractions as provided for by the State of California in the Penal Code.

SECTION 4. Urgency. This is an urgency Ordinance necessary for the immediate preservation of the public peace, health, and safety and shall go into effect immediately. The facts constituting the necessity are as follows:

The City Council has received information from the Trinidad Police Department of loud, bolsterous, aggressive, and vexatious behavior which appears to arise from the consumption of alcoholic beverages in public areas within the city limits of the City of Trinidad. The continuation of such conduct endangers the citizens of the City of Trinidad. The City Council is concerned that such behavior will increase with the onset of summer.

Passed, approved, and adopted this _____ day of May, 1996.

AYES: Simons, Saunders, Hogan, Dobrec

NAYS: Gabrielli

ABSENT:

Mayor, City of Trinidad

ATTEST:

City Clerk, City of Trinidad

# Title 9

## PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Offenses Against Public Decency
9.08 Offenses Against Property
9.12 Weapons
9.16 Curfew

## Chapter 9.04

## OFFENSES AGAINST PUBLIC DECENCY

Sections:

9.04.010 Expectoration.

9.04.010 Expectoration. No person in the city shall expectorate upon any sidewalk, street, floor in public buildings or upon any other public place. (Ord. 109 §5(2), 1964)

## Chapter 9.08

## OFFENSES AGAINST PROPERTY

Sections:

9.08.010 Obstructing passageways.
9.08.020 Disturbing public property.

9.08.010 Obstructing passageways. No person in the city shall place or erect upon public way or passageway to any building an obstruction of any type, provided that this subsection shall not prevent duly authorized or required placing of temporary barriers or warning signs for the purpose of safeguarding the public. (Ord. 109 §6(2)(b), 1955)

9.08.020 Disturbing public property. No person in the city shall move, disturb, or take any earth, stone or other material from any public street, alley, park or other public ground. (Ord. 109 §6(2)(c), 1955)

## Chapter 9.12

## WEAPONS

Sections:

9.12.010 Discharge of firearms.

9.12.010 Discharge of firearms. No person within the city shall discharge any firearms, including air rifle, B.B. gun or pellet gun; provided, however any person who shall discharge any firearms, air rifle, B.B. gun or pellet gun, within the corporate limits of the city for protection for life or property shall not be deemed guilty of violation of this chapter and that a supervised target range shooting with written permission of the property owner for such target range on his property with approval of this range by the city council and the chief of police and that the chief of police is to be notified of such a shoot or schedule of shoots a week in advance, shall be permitted within the corporate limits of the city. (Ord. 109.2 §1, 1964: Ord. 109.1 §1, 1958: Ord. 109 §4, 1955)

## Chapter 9.16

## CURFEW

Sections:

9.16.010 Imposed--Hours.
9.16.020 Loitering--Prohibited--Hours.
9.16.030 Exceptions to curfew and loitering provisions--Parental guidance.
9.16.040 Exceptions to curfew and loitering provisions--Public places.
9.16.050 Exceptions to curfew and loitering provisions--In transit.
9.16.060 Exceptions to curfew and loitering provisions--Employment.
9.16.070 Violation--Penalty.

9.16.010 Imposed--Hours. It is unlawful for any minor person under the age of eighteen years to loiter or loaf or to congregate or to be present at or to be upon any public street, way, square, park, place, building or at or in any place of business, or business house, or public dance hall, or other place designed for the accommodation of the public in the city between the hours of eleven p.m. of one day and five a.m. of the following day. Any person who has not

attained his eighteenth birthday shall be deemed to be under the age eighteen years. (Ord. 118 §1, 1956)

9.16.020 Loitering--Prohibited--Hours. It is unlawful for any minor person under the age of sixteen years to loiter or loaf or to congregate or to be present or to be upon any public street, way, square, park, place building or at or in any place of business, or business house, or public dance hall, or other place designed for the accommodation of the public in the city between the hours of ten p.m. of one day and five a.m. of the following day. Any person who has not attained his sixteenth birthday shall be deemed to be under the age of sixteen years. (Ord. 118 §2, 1956)

9.16.030 Exceptions to curfew and loitering provisions--Parental guidance. The provisions of Sections 9.16.010 and 19.16.020 hereof shall not apply to any minor who at the time mentioned in Sections 9.16.010 and 9.16.020 is accompanied by his parent, guardian or other adult person having the lawful custody of such minor. (Ord. 118 §3, 1956)

9.16.040 Exceptions to curfew and loitering provisions--Public places. The provisions of Sections 9.16.010 and 9.16.020 shall not be deemed to apply to the following places, to wit: public theaters and places where supervised entertainment or play or instruction for minors under the age of eighteen is conducted; provided, however, that this exception shall apply only to minors who are in attendance at such theaters or places for the purpose of attending the entertainment, supervised entertainment, play or instruction thereby afforded. (Ord. 118 §4, 1956)

9.16.050 Exceptions to curfew and loitering provisions--In transit. The provisions of Sections 9.16.010 and 9.16.020 shall not apply to any minor while engaged in going to or returning from, in direct route, the places mentioned in Section 9.16.040 and his home or other place of abode; provided, however, in the event such minor stops or loiters or loafs or congregates or deviates from such route this exception shall not apply and the provisions of Sections 9.16.010 and 9.16.020 shall then apply. (Ord. 118 §5, 1956)

9.16.060 Exceptions to curfew and loitering provisions--Employment. The provisions of Sections 9.16.010 and 9.16.020 shall not apply to any minor who is lawfully employed, or to such a minor while engaged in going to or returning from his place of employment in a direct route between such a place of employment and his place of abode. (Ord. 118 §6, 1956)

9.16.070 Violation--Penalty. A. Any minor violating the terms of this chapter is guilty of a misdemeanor.

B. Any minor violating the provisions of this chapter may be immediately apprehended and lawfully detained and appropriate proceedings may be instituted under and pursuant to the provisions of the juvenile court law as set forth in the Welfare and Institutions Code of the state. (Ord. 118 §§7, 8, 1956)

ORDINANCE NO. 94-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING THE TRINIDAD MUNICIPAL CODE TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE BY ADDING CHAPTER 9.20 ABATEMENT OF DRUG HOUSES

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

**SECTION 1:** Title 9 - Public Peace, Morals and Welfare, Chapter 9.20 - Abatement of Drug Houses, is added as follows:

Section 9.20.010. Findings.

(a) Apartment buildings, rental property and owner occupied property in the City of Trinidad may be used by drug dealers and users to sell and use illegal and dangerous drugs.

(b) Some owners of such properties are aware of such activity, but fail to take action to stop it, while other owners may be unaware of such activity.

(c) Regulating such activity has consumed significant resources of the police department in other cities.

(d) The possible existence of such properties in the City of Trinidad could pose a serious threat to the health, safety, welfare and security of the citizens of Trinidad, including innocent inhabitants of those properties and their neighbors.

Section 9.20.020. Police Chief's Authority to Order Corrective Action by Property Owners.

(a) Whenever the Chief of Police or her/his designee finds by a preponderance of the evidence, that the unlawful sale, storage, manufacturing, selling or giving away of a controlled substance, precursor or analog, as defined in the California Health and Safety Code, has occurred in or about any privately owned property, she/he may order the property owner to take corrective action to abate the activity pursuant to this Chapter.

(b) Corrective action, which may be ordered hereunder at the discretion of the Police Chief or his/her designee, may include, but is not limited to, one or more of the following:

1. Capital improvements including by way of example only, security gates and doors;

2. Improved interior/exterior lighting;

3. Security guards;

4. Posting of signs;

5. Property rules which regulate entrance upon and egress from the property by non-residents;

6. The commencement of appropriate legal proceedings including unlawful detainer to remove any tenant, resident or person engaging in such illegal conduct on or about the premises; or

7. Boarding up any structure on the property to make such structure inaccessible.

Before issuing an abatement notice, as defined in Section 1(c), the Chief of Police shall take the following action:

1. He/she shall informally serve upon the property owner(s) notice that drug activities are suspected on the owner's property and that the owner should take all necessary steps to eliminate these activities. This action, whether verbal or written, shall be documented by the Chief of Police as to the date and method of service.

(c) Prior to commencement of any abatement action hereunder, the Police Chief, or her/his designee, shall give notice to the owner of the property (the "abatement notice") requesting that the owner abate the matter or take action designated in the abatement notice within a reasonable time after receipt of the abatement notice. A "reasonable time" shall mean thirty (30) days, unless the City Attorney determines that there is good cause to shorten the time of notice or forego notice entirely. For purposes of this paragraph "good cause" includes, but is not limited to, unavailability of the owner or evasion of service by the owner. The abatement notice, if required hereunder, shall contain as enclosures, documentation establishing the basis on which the Police Chief, or her/his designee, has determined that abatement action is required hereunder. The abatement notice shall be served on the owner by personal service or by certified mail at the address of the owner as

shown on the latest equalization assessment roll.

(d) If the abatement notice identifies a particular tenant as responsible for the nuisance activity or recommends action that will have a significant adverse effect on the tenant's right of possession, the Police Chief, or her/his designee, shall also serve a copy of the abatement notice and supporting documentation on that tenant. Service shall be by personal service or by certified mail to the tenant at the property address. Said notice shall not be required if the City Attorney determines that there is good cause to forego notice. For purposes of this paragraph "good cause" includes, but is not limited to, unavailability of the tenant or evasion of service by the tenant.

(e) The determination of the Police Chief, or her/his designee to order the abatement of any matter hereunder, shall be based on a finding that a pattern or practice of illegal drug related activity exists on or about the property taking into account the totality of circumstances including, but not limited to any one of the following:

1. An excessive number of short term visitors, for periods of fifteen (15) minutes or less, within any twenty-four (24) hour period; or

2. Information received from informants including, without limitation, confidential informants; or

3. The presence of known drug users or traffickers on or about the premises.

(f) Any person served with an abatement notice hereunder or any person whose interest in the property may be affected by abatement action taken pursuant to this Chapter, shall have the right to protest abatement notice issued by the Police Chief's determination to take action hereunder as follows:

1. Said protest shall be in writing and shall be delivered to the City Clerk within fifteen (15) days of the date of receipt of the abatement notice, unless a shorter time for filing such protest is otherwise indicated in the abatement notice;

2. Said protest shall be in writing and shall set forth the facts on which the protest is based and recommended alternative action to be taken in sufficient detail to enable the City Council to understand the nature of the protest;

3. Unless the time is extended by mutual agreement of the parties, the matter shall be reviewed

by the City Council within fifteen (15) days of the date of receipt of the protest;

4. No additional evidence or testimony shall be considered other than that contained in the written protest, unless the City Council shall elect to hear additional testimony on the matter.

5. No filing fee shall be required;

6. The decision of the City Council shall be final and shall be effective immediately; and

7. The City Council may take into consideration in reviewing the protest, the prompt, good faith commencement and prosecution of eviction proceedings by the property owner or the prompt and good faith commencement of other appropriate remedial action to remedy the conditions described in the abatement notice.

8. The City Council shall render its decision within thirty (30) days after the conclusion of the hearing. The decision shall contain a summary of the evidence, findings of fact, and a statement of the reasons underlying the decision. A copy of the decision shall be sent to the property owner and the Chief of Police. The City Council's decision shall be the final and binding administrative remedy.

Section 9.20.030. Remedies, Civil Penalties, Non-Exclusive

(a) The remedies provided under this section are in addition to any the City or any person might have under applicable law.

(b) Any property owner shall be liable to the City for a civil penalty of $100.00 per day for each day the property owner fails to comply with any action finally ordered by the Police Chief, or her/his designee, pursuant to this Chapter.

(c) Failure to comply with any order of the Police Chief, or her/his designee, hereunder, is declared a nuisance and the City Attorney, upon presentation to and at the direction of the City Council, may bring a civil action under this Article or under Health and Safety Code Section 11570 et seq., for injunctive and other relief.

(d) The unlawful sale, storage, manufacture, selling or giving away of a controlled substance, precursor or analog on private property is hereby declared to be a nuisance. Whether or not the Police Chief, or her/his designee, orders a private property owner to take corrective action, any person aggrieved

by such nuisance may bring an independent civil action against the owner of the property or any other person creating such nuisance for all appropriate relief including damages, costs and attorney's fees, which she/he may have incurred as a result of such activity. A person aggrieved prevailing in such action shall be entitled to the minimum sum of $500.00 on account of damages, costs and attorney's fees, plus such additional sum as the court shall deem appropriate.

1. A "person aggrieved" is anyone who owns or occupies any premises that cannot be quietly used and enjoyed due to the unlawful sale, storage, manufacture, selling or giving away of a controlled substance, precursor or analog on or in any property or dwelling unit, other than their own.

2. Every day that such a person aggrieved cannot quietly use and enjoy their premises is a separate and distinct nuisance.

Dated: December 14, 1994

ATTEST:

City Clerk, City of Trinidad

APPROVED:

Mayor, City of Trinidad

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance ____ passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California on the 14 day of December, 1994, by the following vote:

AYES: Odom, Saunders, Globus, Emerson
NOES:
ABSENT: Kirk
ABSTENTIONS:

City Clerk, City of Trinidad

ORDINANCE NO. 94-4

# AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING CERTAIN PROVISIONS OF CHAPTER 12.08 OF THE MUNICIPAL CODE RELATING TO THE CEMETERY

The City Council of the City of Trinidad does hereby ordain as follows:

**SECTION 1**. Section 12.08.050 E of the Municipal Code shall be amended to read as follows:

**Internment of Not More Than One (1) Body.**

Not more than one (1) body, nor the remains of more than one (1) body, shall be interned in one (1) grave unless the grave has been purchased with a written agreement permitting such multiple internment, and except as provided in Section 12.08.060.

**SECTION 2**. This ordinance shall take effect thirty (30) days after its passage.

Passed, approved, and adopted this 14 day of December, 1994 by the following vote:

AYES: Councilmembers Odom, Saunders, Globus, Emerson

NOES: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers , Kirk

ATTEST:

Janelle Case

Janelle Case, City Clerk
City of Trinidad

APPROVED:

Tom Odom

Tom Odom, Mayor
City of Trinidad

*TRINIDAD CITY HALL*
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

*Chi-Wei Lin, Mayor*
*Gabriel Adams, City Clerk*

# RESOLUTION NO.2007-09

## A RESOLUTION APPROVING THE POLICE DEPARTMENT FEE SCHEDULE FOR FISCAL YEAR 2007- 2008

**WHEREAS**, the City Council adopts the police department fee schedule as authorized by the Trinidad Municipal Code and California State Laws;

**WHEREAS**, the Council authorizes implementation and collection by the police department or its designee of such fees for services and or penalty for violations of Trinidad Municipal Code Ordinances;

**NOW, THEREFORE IT BE RESOLVED**, that the Trinidad City Council hereby adopts Resolution #2007-09 on August 08, 2007.

**PASSED, APPROVED, AND ADOPTED** on this 8th day of August 2007, by the following vote:

| | |
|---|---|
| Ayes: | Ratzlaff, Bhardwaj, Fulkerson |
| Noes: | None |
| Absent: | Binnie, Lin |
| Abstain: | None |
| Attest: | None |

Attest:

**Gabriel Adams**
Trinidad City Clerk

**Chi-Wei Lin**
Mayor

*CITY OF TRINIDAD*
*SCHEDULE OF FEES AND CHARGES*
*2007-2008*

| Service | Service Charge / Fee | Local Authorization | State Code(s) |
|---|---|---|---|
| Police Department – | | | |
| ***Administrative Tow Fee***: | | Res. 2007-09 | |
| Abandoned vehicle / vehicle traffic hazard or having expired registration. | $75.00 | | Gov Code Section, CVC 22651 |
| Vehicle towed / driver arrested. | $125.00 | | Gov Code Section, CVC 22850.5 |
| ***Alarm Fees:*** | | Res. 2007-09 | |
| Alarm Permit | $20.00 | | |
| Alarm renewal | $10.00 | | |
| False alarm 1st response (within 6 months) | No Charge | | |
| False alarm 2nd response (within 6 months) | $50.00 | | |
| False alarm 3rd response (within 6 months) | $75.00 | | |
| False alarm 4th response or more (within 6 months) | $100.00 | | |
| ***Animal Fees*** | | | |
| Dog License (spayed or neutered) | | Muni Code Sec 6.04.500 | Gov Code Sect. 39000 |
| 1 Year License | $5.00 | | |
| 2 Year License | $9.00 | | |
| 3 Year License | $12.00 | | |
| Dog License (all other) | | Muni Code Sec 6.04.500 | Gov Code Sect. 39000 |
| 1 Year License | $20.00 | | |
| 2 Year License | $32.00 | | |
| 3 Year License | $44.00 | | |

*CITY OF TRINIDAD*
*SCHEDULE OF FEES AND CHARGES*
*2007-2008*

| Service | Service Charge / Fee | Local Authorization | State Code(s) |
|---|---|---|---|
| Police Department – | | | |
| Dog license late fee | $50.00 | Muni Code Sec 6.04.500 | Gov Code Sect. 39000 |
| Replacement dog license | $5.00 | Muni Code Sec 6.04.500 | Gov Code Sect. 39000 |
| ***Animal Control Fees*** | | | |
| Violations | | | |
| (a) First violation within a 12- month period<br>additional fee if nonspayed / unneutered | $50.00<br>$35.00 | Muni Code Sec 6.04.500 | Gov Code Sect. 39000 |
| (b) Second violation within a 12-month period<br>additional fee if nonspayed / unneutered | $100.00<br>$50.00 | Muni Code Sec 6.04.500 | Gov Code Sect. 39000 |
| (c) Third violation within a 12-month period<br>additional fee if nonspayed / unneutered | $150.00<br>$100.00 | Muni Code Sec 6.04.500 | Gov Code Sect. 39000 |
| Animal Disposal for Owner | $25.00 | Muni Code Sec 6.04.500 | Gov Code Sect. 39000 |
| ***Bicycle Registration***: | | Res. 2007-09 | |
| Lifetime<br>Replacement sticker<br>Transfer of ownership | $5.00<br>$1.00<br>$1.00 | | |
| Citation Correction | $10.00 | | |
| Citizen Review of Local Record – CORI | $25.00 | | |
| Civil Court Appearance | Actual cost with $250.00 deposit | | |
| Copy of lost citation | $10.00 | | |

*CITY OF TRINIDAD*
*SCHEDULE OF FEES AND CHARGES*
*2007-2008*

| Service | Service Charge / Fee | Local Authorization | State Code(s) |
|---|---|---|---|
| Police Department – | | | |
| ***Crime Reports:*** | | Res. 2007-09 | |
| Crime reports (0-5 pages)<br>Additional pages | $10.00<br>$1.00 | | |
| Accident reports | $15.00 | | |
| DUI – Based upon actual conviction for<br>Emergency response to DUI accident | Actual cost<br>not to exceed<br>$1,000.00 | | |
| Photocopies / Printer copies per page<br>Vin Verification | $0.10<br>$15.00 | | |
| Special Event Application | $25.00 | | |
| Video / Audio Tape | $20.00 / Tape | | |
| Visa / Clearance Letter | $30.00 +<br>Notary Fee | | |
| Vacation Check / Residence Check | $1.00 day<br>After 21 days | | |

*CITY OF TRINIDAD*
*SCHEDULE OF FEES AND CHARGES*
*2007-2008*

| Service | | Description | Authority | Penalty | Delinquent Penalty |
|---|---|---|---|---|---|
| Police Department – | | | | | |
| ***Parking Violation*** | | | | | |
| 10.08.010 | TMC | Prohibited Parking Where Posted | Res.01-14 | $25.00 | $53.00 |
| 21458(a)(1) | CVC | Red Curb Zone Parking | Res.01-14 | $25.00 | $53.00 |
| 21458(a)(2) | CVC | Yellow Curb Zone Parking | Res.01-14 | $25.00 | $53.00 |
| 21458(a)(3) | CVC | White Curb Zone Parking | Res.01-14 | $25.00 | $53.00 |
| 21458(a)(4) | CVC | Green Curb Zone Parking | Res.01-14 | $25.00 | $53.00 |
| 21458(a)(5) | CVC | Blue Curb Zone Parking | Res.01-14 | $330.00 | $333.00 |
| 22500(a) | CVC | Parked in Intersection | Res.01-14 | $25.00 | $53.00 |
| 22500(b) | CVC | Parked in Crosswalk | Res.01-14 | $25.00 | $53.00 |
| 22500(d) | CVC | Parking in 15' of Fire station | Res.01-14 | $25.00 | $53.00 |
| 2500(e) | CVC | Blocking Driveway | Res.01-14 | $25.00 | $53.00 |
| 22500(f) | CVC | Parked on Sidewalk | Res.01-14 | $25.00 | $53.00 |
| 22500(g) | CVC | Obstructing Traffic – Excavation | Res.01-14 | $25.00 | $53.00 |
| 22500(h) | CVC | Double Parked | Res.01-14 | $25.00 | $53.00 |
| 22500(i) | CVC | Bus Loading / Unloading Zone | Res.01-14 | $50.00 | $103.00 |
| 22500(l) | CVC | Blocking Wheelchair Access | Res.01-14 | $255.00 | $258.00 |
| 22500.1 | CVC | No Parking –Fire Lane | Res.01-14 | $35.00 | $73.00 |
| 22502(a) | CVC | 18" from Curb / Wrong Way | Res.01-14 | $25.00 | $53.00 |
| 22507.8(a) | CVC | Handicap Parking – Stall/Space | Res.01-14 | $330.00 | $333.00 |
| 22514 | CVC | Parking 15 Feet from Hydrant | Res.01-14 | $35.00 | $73.00 |
| 22515 | CVC | Not Setting Brake – Unattended | Res.01-14 | $35.00 | $73.00 |
| 22522 | CVC | Blocking Sidewalk Access Ramp | Res.01-14 | $255.00 | $258.00 |
| 22523(a) | CVC | Abandoned Vehicle – Street | Res.01-14 | $35.00 | $73.00 |
| 22523(b) | CVC | Abandoned Vehicle – Off Street | Res.01-14 | $35.00 | $73.00 |
| 22651(k) | CVC | Vehicles Parked or Left Standing Upon Highway for 72 Hours or More Consecutive Hours. | Res.01-14 | Removal Authorized | |
| All Other Vehicle Code Sections Not Listed. | | | Res.01-14 | $25.00 | $73.00 |

# Title 10

## VEHICLES AND TRAFFIC

Chapters:

10.04 Traffic Regulations
10.08 Parking
10.12 Skateboards

## Chapter 10.04

## TRAFFIC REGULATIONS

Sections:

10.04.010 Definitions.
10.04.020 Enforcement--City marshal--Duties.
10.04.030 City marshal--Powers of enforcement.
10.04.040 City marshal--Placement and maintenance of traffic control devices.
10.04.050 Specifications of traffic control devices.
10.04.060 Legitimacy of traffic signs.
10.04.070 Designation of crosswalks.
10.04.080 Intersections requiring stop signs.
10.04.090 Speed limit.
10.04.100 Pedestrians.
10.04.110 Riding animals and animal drawn vehicles on roadways.
10.04.120 Stopping, standing or parking prohibited--No signs required.
10.04.130 Parking adjacent to schools.
10.04.140 Parking prohibited on narrow streets.
10.04.150 No stopping, standing or parking near hazardous or congested places.
10.04.160 Load restrictions upon vehicles using certain streets.
10.04.170 Violation--Penalty.

10.04.010 Definitions. For the purposes of this chapter:

"Commercial vehicle" means every vehicle designed, maintained, or used primarily for the transportation of property.

"Crosswalk" means:

1. That portion of a crossway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the

curbs, or in the absence of curbs from the edges of the traversable roadway;

2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Driver" means every person who drives or is in actual physical control of a vehicle.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

"Official traffic-control devices" means:

1. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

2. "Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

"Park," when prohibited, means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

"Pedestrian" means any person afoot.

"Person" means every natural person, firm, copartnership, association or corporation.

"Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway, includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

"Stop," when required, means complete cessation of movement.

"Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. 112 §1, 1955)

10.04.020 Enforcement--City marshal--Duties. It shall be the duty of the chief of police to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to the traffic in this city, to make arrests

for traffic violations, to investigate accidents and to cooperate with the city council and other officers of the city in the administration of the traffic laws and in developing ways and means in improve traffic conditions, and to carry out those duties specifically imposed upon the chief of police by this chapter and any other traffic ordinances of this city. He shall keep a record of all violations of the traffic ordinances of this city. (Ord. 112 §2, 1955)

10.04.030 City marshal--Powers of enforcement. The city marshal, by and with the consent of the city council, is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergency or experimental conditions. No such temporary or experimental regulation shall remain in effect for more than ninety days. (Ord. 112 §3, 1955)

10.04.040 City marshal--Placement and maintenance of traffic control devices. The chief of police shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of the ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic. (Ord. 112 §6, 1955)

10.04.050 Specifications of traffic control devices. All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the state highway commission. All signs and signals required hereunder for a peculiar purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices. (Ord. 112 §7, 1955)

10.04.060 Legitimacy of traffic signs. No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (Ord. 112 §9, 1955)

10.04.070 Designation of crosswalks. The chief of police, by and with the consent and approval of the city council, is authorized:

A. To designate and maintain, by appropriate devices,

marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. (Ord. 112 §11, 1955)

10.04.080 Intersections requiring stop signs. The chief of police, by and with the consent of the city council, is authorized to determine and designate intersections where particular hazard exists and to determine whether vehicles shall stop at one or more entrances to any such stop intersection, and shall erect a stop sign at every such place where a stop is required. (Ord. 112 §12, 1955)

10.04.090 Speed limit. No vehicle shall be operated upon any street in any public or residential district in the city at a speed greater than twenty-five miles per hour. The chief of police shall erect or cause to be erected appropriate signs giving notice of such speed limits at such places as will accomplish such purposes; providing, however, that the speed limit in front of any school shall be fifteen miles per hour and appropriate signs giving notice of such shall be erected. (Ord. 112 §21, 1955)

10.04.100 Pedestrians. A. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

B. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

C. Pedestrians Walking Along Roadways.

1. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

2. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

D. Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (Ord. 90-204 §1(part), 1990; Ord. 112 §22, 1955)

10.04.110 Riding animals and animal drawn vehicles on roadways. Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. (Ord. 112 §4, 1955)

10.04.120 Stopping, standing or parking prohibited--No signs required. A. No person shall, stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public driveway;
3. Within an intersection;
4. Within fifteen feet of a fire hydrant;
5. On a crosswalk;
6. Within twenty feet of a crosswalk at an intersection;
7. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
9. On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
10. At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

C. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

D. No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale;
2. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency. (Ord. 112 §23, 1955)

10.04.130 Parking adjacent to schools. A. The chief of police, by and with the consent and approval of the city council, is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. (Ord. 112 §24, 1955)

10.04.140 Parking prohibited on narrow streets. A. The chief of police, by and with the consent of the city council, is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by

such signs when the width of the roadway does not exceed thirty feet.

B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign. (Ord. 112 §25, 1955)

10.04.150 No stopping, standing or parking near hazardous or congested places. A. The chief of police is authorized to determine and designate by proper signs, places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand, or park a vehicle in any such designated place.

C. The chief of police is authorized and instructed to erect and maintain signs prohibiting the parking of vehicles at any time on the following streets or portions of streets:

1. The north side of Main Street between View Street and Ocean Avenue. (Ord. 112 §26, 1955)

10.04.160 Load restrictions upon vehicles using certain streets. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of three tons at any time upon any street within the city limits of the city; excepting, however, U.S. Highway 101; provided, however, that commercial vehicles exceeding ten tons gross weight may be operated on any such streets for the purpose of delivering or picking up materials or merchandise, but then only by the most direct route between U.S. Highway 101 and the point of destination. (Ord. 112.1 §1, 1956: Ord. 112 §27, 1955)

10.04.170 Violation--Penalty. It is an infraction for any person to do any act forbidden or fail to perform any act required in this chapter. No person shall wilfully fail or refuse to comply with any lawful order or direction of the chief of police. Any person violating this chapter shall be subject to such lawful fine or punishment as the court may direct. (Ord. 90-204 §2(N), 1990; Ord. 112 §5, 1955)

## Chapter 10.08

## PARKING

Sections:

10.08.010 Prohibited parking.

ORDINANCE NO. 2000-01

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF TRINIDAD
PROHIBITING SKATEBOARDING IN VICINITY
OF THE LIGHTHOUSE MEMORIAL

TITLE 10, VEHICLES AND TRAFFIC
CHAPTER 12, SKATEBOARDS

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

Section 1: Title 10, Vehicles and Traffic, Chapter 12, Skateboards, Section 0.1 of the Trinidad Municipal Code is hereby amended as follows:

10.12.010. Prohibited where. It is unlawful for any person to ride a skateboard or similar device upon Edwards Street between the lighthouse and the beach, upon Main Street, upon Trinity Street and along the City-owned sidewalks and ramps in the vicinity of the Lighthouse Memorial.

Section 2: This ordinance shall take effect thirty (30) days after the date of its adoption.

Dated: August 9, 2000

ATTEST:

City Clerk, City of Trinidad

APPROVED:

Mayor, City of Trinidad

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2000-01, passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California, on the 9th day of August, 2000, by the following vote:

AYES: Heyenga, Lin, Deason, Huff

NOES: None

ABSENT: Twoomey

City Clerk, City of Trinidad

city\ordinances\skateboard.2000-01

10.08.010 Prohibited parking. When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on any of the streets or alleys enumerated by resolution of the city council. (Ord. 87-196 §1, 1988)

## Chapter 10.12

## SKATEBOARDS

Sections:

10.12.010 Prohibited where.
10.12.020 Violation--Penalty.

10.12.010 Prohibited where. It is unlawful for any person to ride a skateboard or similar device upon Edwards Street between the lighthouse and the beach; upon Main Street, and upon Trinity Street. (Ord. 88-186 §1, 1988: Ord. 86-186 §1, 1986)

10.12.020 Violation--Penalty. Any person violating the provisions of this chapter shall be guilty of an infraction, and shall be punished for a first conviction by a fine not exceeding fifty dollars; a fine not exceeding one hundred dollars for a second violation of the same chapter within one year; a fine not exceeding two hundred fifty dollars for each additional violation of the same chapter within one year. (Ord. 86-186 §3, 1986)

ORDINANCE NO. 99-1

# AN ORDINANCE OF THE CITY OF TRINIDAD ESTABLISHING UNIFORM PARKING CITATION PROCESSING PROCEDURES

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

**Section 1.** **Findings.** This Parking Citation Processing Ordinance is adopted pursuant to Assembly Bill 408, approved and filed with the Secretary of State on September 30, 1992, which amends Sections 40200, 40200.3, 40200.4, 40200.5, 40200.7, 40202, 40211, 40215, 40220, 40221, 40224, and 40225 of the California Vehicle Code, and which mandates the transfer of parking citation processing functions from courts to cities between July 1, 1993, and January 1, 1994. Cities and/or their designated processing and/or issuing agencies are required to establish an administrative review procedure for those persons desiring to contest parking citations. This ordinance establishes such a procedure.

**Section 2.** **Title.** This ordinance shall be known as the Parking Citation Processing Ordinance of the City of Trinidad.

**Section 3.** **Definitions.** Except where the context otherwise requires, the definitions provided in this Section shall govern the construction of this ordinance.

A. "Agency" shall mean the "Police Department" as defined below.

B. "City" shall at all times refer to the City of Trinidad.

C. "Contestant" shall mean any "operator" or "registered owner" as defined in this Section who contests a parking citation.

E. "Hearing Examiner" shall mean any individual selected by the City, or if the City elects to contract for parking citation processing services, that individual selected by the Police Department authorized to administratively adjudicate parking citation contests.

F. "Issuing Agency" shall mean the City or its authorized agent that issues parking citations.

G. "Issuing Officer" shall mean a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of the California Penal Code, or the successor statutes thereto, or other issuing officer who is authorized to issue a parking

citation.

H. "Operator" shall mean any individual driving and/or in possession of a vehicle at the time a citation is issued or the registered owner.

I. "Parking Citation" shall mean a notice that is personally given or mailed to the operator, or attached to the operator's vehicle, informing the operator of a parking, equipment and/or other vehicle violation and the operator's right to elect to pay the fine for the violation or contest the citation.

J. "Parking Penalty" includes, but is not limited to, the parking penalty for the particular violation, as well as late payment penalties, administrative fees, assessments, costs of collection as provided by law, and other related fees.

K. "Police Department" shall mean the City.

L. "Processing Officer" shall mean the person assigned by the Chief of Police, within the Police Department, to process citations.

M. "Registered Owner" shall mean the individual or entity whose name is recorded with the Department of Motor Vehicles as having ownership of a particular vehicle.

N. "Vehicle" shall mean any self-propelled vehicle operated or suitable for operation on a highway.

O. "Violation" shall mean any parking, equipment or other vehicle violation as established pursuant to state law or local ordinance.

**Section 4. Authority.**
The City may issue and/or process parking citations and notices of delinquent parking violations. This Section shall provide for periodic distribution of amounts collected between the parties, except amounts payable to the County pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of the California Government Code, or the successor statutes thereto, and amounts payable to the Department pursuant to California Vehicle Code Section 4763 or the successor statute thereto.

**Section 5. Authority to Conduct Administrative Review Process; Hearing Officer; Procedures.** The Police Department may review appeals or other objections to a parking citation pursuant to the procedures set forth in this Section.

A. For a period of twenty-one (21) days from the issuance of the parking citation, or ten (10) days from the mailing of the notice of delinquent parking citation, an operator may request initial review by the Police Department. The request for initial review may be made in writing, by telephone or in person.

B. The initial review by the Police Department shall consist of those procedures outlined in Subdivision 1. of paragraph A. of Section 14.

C. If the operator is dissatisfied with the results of the initial review, the operator may contest the parking citation or notice of delinquent parking violation through an administrative hearing review process as outlined in Section 14.

In order to contest the parking citation, the operator must deposit with the Police Department the full amount of the parking penalty on or before the fifteenth (15th) day following the mailing to that operator of the results of the Police Department's initial review. At the same time, the operator must provide a written explanation of the reason or reasons for contesting the parking citation on a form provided by the Police Department. If the operator is unable to deposit the full amount of the parking penalty, the operator must provide verifiable and substantial proof of an inability to deposit the parking penalty. Upon presentation of such proof, the Police Department shall proceed with the contest procedure despite the operator's failure to deposit the full amount of the parking penalty. If it is ultimately determined that the operator is not liable for the parking violation, then the full amount of the parking penalty deposited shall be refunded or credited.

The contestant may contest the parking citation either by written declaration, on forms provided by the Police Department, or by personal appearance before a hearing examiner.

D. Notwithstanding the provisions of paragraph C. of this Section, if the vehicle has been immobilized or impounded for unpaid parking citations, the Police Department shall permit the registered owner of the vehicle to contest the parking citations upon which the seizure was based, without requiring a deposit of the parking penalty, provided that the vehicle remains under the control of the immobilizing or impounding agency.

E. The Police Department shall provide, through an administrative policy, a procedure for contesting parking citations and notices of delinquent parking violations.

**Section 6. Process by which Parking Citations Must be Issued.** Parking citations shall be issued in accordance with the following procedures:

A. If a vehicle is unattended at the time that the parking citation is issued for a parking violation, the issuing officer shall securely attach to the vehicle the parking citation setting forth the violation, including reference to the section of the California Vehicle Code, the City's ordinances, or other parking regulation violated; the approximate time of the violation; the location of the violation, and the date by which the operator is to deposit the parking penalty or contest the parking citation pursuant to Section 14. The citation shall state the amount of the parking penalty and the address of the agent authorized to receive deposit of the parking penalty.

The parking citation shall also set forth the vehicle license number and registration expiration date, if such date is visible; the last four digits of the vehicle identification number, if that number is visible through the windshield; the color of the vehicle; and, if possible, the make of the vehicle.

B. The parking citation or copy thereof, shall be considered a record kept in the ordinary course of business of the issuing agency and the Police Department, and shall be prima facie evidence of the facts contained therein.

C. Once the parking citation is prepared and attached to the vehicle pursuant to paragraph A. above, the issuing officer shall file notice of the parking violation with the processing officer.

D. If during issuance of the parking citation, without regard to whether the vehicle was initially attended or unattended, the vehicle is driven away prior to attaching the parking citation to the vehicle, the issuing officer shall file the notice with the Police Department. The Police Department shall mail, within fifteen (15) days of issuance of the parking citation, a copy of the parking citation to the registered owner.

E. If after a copy of the parking citation is attached to the vehicle, or personally given to the operator, the issuing agency or the issuing officer determines that the issuing officer was in error in issuing the parking citation, the issuing officer or the issuing agency may recommend, in

writing, that the parking citation be canceled. The recommendation shall state the reason or reasons for cancellation and shall be filed with the Police Department.

**Under no circumstance shall a personal relationship with any public official, officer, issuing officer, or law enforcement agency be grounds for cancellation.**

F. If a Police Department makes a finding that there are grounds for cancellation as set forth in the city's administrative policy, or pursuant to any other basis provided by law, then the finding or findings shall be filed with the Police Department, and the parking citation shall be canceled pursuant to Subdivision 1. of paragraph A. of Section 14.

**Section 7. Parking Penalties.**

A. Parking penalties shall be established by resolution of the City Council of Trinidad.

B. All parking penalties received by the Police Department shall accrue to the benefit of the City.

**Section 8. Parking Penalties Received by Date Fixed; No Contest; Request to Contest.** If the parking penalty is received by the Police Department and there is no contest by the date fixed on the parking citation, all proceedings as to that parking citation shall terminate.

If the operator contests the parking citation, the Police Department shall proceed in accordance with Section 14.

**Section 9. Parking Penalties Not Received by Date Fixed.** If payment of the parking penalty is not received by the Police Department by the date fixed on the parking citation, the Police Department shall deliver to the registered owner a notice of delinquent parking violation pursuant to Section 10.

Delivery of a notice of delinquent parking violation may be made by personal service or by first class mail addressed to the registered owner of the vehicle as shown on the records of the Department.

**Section 10. Notice of Delinquent Parking Violation; Contents.** The notice of delinquent parking violation shall contain the information required to be included in a parking citation pursuant to Section 6. The notice of a delinquent parking violation shall

also contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within ten (10) days after mailing the notice of delinquent parking violation or completes and files an affidavit of non-liability that complies with Section 12 or Section 13, the vehicle registration shall not be renewed until the parking penalties have been paid. In addition, the notice of delinquent parking violation shall contain, or be accompanied by, an affidavit of non-liability and information of what constitutes non-liability, information as to the effect of executing an affidavit, and instructions for returning the affidavit to the issuing agency.

If the parking penalty is paid within ten (10) days after the mailing of the notice of delinquent parking violation, no late penalty or similar fee shall be charged to the operator.

**Section 11. Copy of Citation Upon Request by Registered Owner.**

A. Within fifteen (15) days of request, made by mail or in person, the Police Department shall mail or otherwise provide to the registered owner, or the registered owner's agent who has received a notice of delinquent parking violation, a copy of the original parking citation. The issuing agency may charge a fee sufficient to cover the actual cost of copying and/or locating the original parking citation, not to exceed two ($2) dollars. Until the Police Department complies with a request to provide a copy of the parking citation, the Police Department may not proceed to immobilize the vehicle in question merely because the registered owner has received five or more outstanding parking violations over a period of five or more days.

B. If the description of the vehicle on the parking citation does not substantially match the corresponding information on the registration card for that vehicle the Police Department shall, on written request of the operator, cancel the notice of parking violation.

**Section 12. Affidavit of Non-liability; Leased or Rented Vehicle.**

A registered owner shall be released from liability for a parking citation if the registered owner files with the Police Department an affidavit of non-liability in a form satisfactory to the Police Department and such form is returned within thirty (30) days after the mailing of the notice of delinquent parking violation together with proof of a written lease or rental agreement between a bona fide rental or leasing company and its customer which identifies the renter or lessee and provides the operator's driver's license,

number, name, and address. The Police Department shall serve or mail to the renter or lessee identified in the affidavit of non-liability a notice of delinquent parking violation. The Police Department shall inform the renter or lessee that he or she must pay the full amount of the fine, or provide notice to the Police Department that he or she intends to contest the parking citation pursuant to Section 14 within fifteen (15) days of the mailing of the notice of delinquent parking violation. If the Police Department does not receive payment of the parking citation or does not receive notice of an intent to contest within fifteen (15) days, the Police Department may proceed against the renter or lessee pursuant to Section 15.

**Section 13. Affidavit of Non-liability; Sale.** A registered owner of a vehicle shall be released from liability for a parking citation issued to that vehicle if the registered owner served with a notice of delinquent parking violation, an affidavit of non-liability together with proof that the registered owner served with a notice of delinquent parking violation has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation. The Police Department shall obtain verification from the Department of Motor Vehicles that the former owner has complied with the requirements necessary to release the former owner from liability pursuant to California Vehicle Code Section 5602 or the successor statute thereto.

If the registered owner has complied with California Vehicle Code Section 5602, or the successor statute thereto, the Police Department shall cancel the notice of delinquent parking violation with respect to the registered owner.

If the registered owner has not complied with the requirements necessary to release the owner from liability pursuant to California Vehicle Code Section 5602, or the successor statute thereto, the Police Department shall inform the registered owner that the citation must be paid in full or contested pursuant to Section 14. If the registered owner does not comply, the Police Department shall proceed pursuant to Section 15.

**Section 14. Contesting Parking Citation; Procedure.**

A. If an operator or registered owner contests a parking citation or a notice of delinquent parking violation, the Police Department shall do all of the following:

01. First, either investigate with its own records and staff or request that the issuing agency investigate the circumstances.

of the citation with respect to the contestant's written explanation of the reason or reasons for contesting the parking citation.

If, based on the results of that investigation, the Police Department is satisfied that the violation did not occur, because the registered owner was not responsible for the violation by virtue of having sold, rented, or leased the vehicle, or because legally supportable or mitigating circumstances as set forth in the City's administrative policy warrant a dismissal, the Police Department shall cancel the parking citation, and make an adequate record of the reason or reasons for canceling the parking citation. The Police Department shall mail the results of the investigation by first class mail to the contestant within ten (10) days of the decision.

2. If the contestant is not satisfied with the results of the investigation provided for in paragraph 1., the contestant may, within fifteen (15) days of the mailing of the results of the initial investigation, deposit the amount of the parking penalty and other related fees or provide proof of an inability to deposit the parking penalty, and request an administrative review.

3. If the contestant prevails at the administrative hearing, then the full amount of the parking penalty deposited shall be refunded.

B. The administrative review procedure shall consist of the following:

1. The contestant shall make a written request for administrative review on a form and in a manner satisfactory to the Police Department, and may request to contest the parking citation either in person or by written declaration.

2. If the contestant is a minor, that person shall be permitted to appear at a hearing or admit responsibility for a parking citation without the necessity of the appointment of a guardian. The Police Department may proceed against the minor in the same manner as if the minor were an adult.

3. The administrative review shall be conducted before an examiner designated to conduct the review by the City Council or by the Police Department.

C. The issuing officer shall not be required to participate in an administrative review. The issuing agency shall not be required to produce any evidence other than the parking citation or copy thereof, and information received from the Department identifying the registered owner of the vehicle.

This documentation in proper form shall be considered prima facie evidence of the violation.

D. The Hearing Examiner's final decision shall be in writing and delivered personally to the contestant or the contestant's agent, or delivered by first class mail within ten (10) working days following the hearing.

E. If the contestant is not the registered owner of the vehicle, all notices to the contestant required under this Section shall also be given to the registered owner by first class mail.

**Section 15. Collection of Unpaid Parking Penalties.** Except as otherwise provided below, the Police Department shall proceed under paragraph A. or paragraph B., but not both, in order to collect an unpaid parking penalty.

A. File an itemization of unpaid parking penalties and other related fees with the Department for collection pursuant to the California Vehicle Code Section 4760 or the successor statute thereto.

B. If more than four hundred ($400) dollars in unpaid parking penalties and other related fees have been accrued by any one registered owner or the registered owner's renter, lessee or sales transferee, proof thereof may be filed with the court which has the same effect as civil judgment. Execution may be levied and such other measures may be taken for the collection of the judgment as are authorized for the collection of unpaid civil judgments entered against a defendant in an action against a debtor.

The Police Department shall send notice by first-class mail to the registered owner or renter, lessee, or sale transferee indicating that civil judgment has been filed and the date that the judgment shall become effective. The notice shall

also indicate the time: that execution may be levied against that person's assets, that liens may be placed against that person's property, that the person's wages may be garnished, and that other steps may be taken to satisfy the judgment. The notice shall also state that the Police Department will terminate the commencement of a civil judgment proceeding if all parking penalties and other related fees are paid prior to the date set for hearing. If judgment is entered, then the City may file a writ of execution or an abstract with the court clerk's office identifying the means by which the civil judgment is to be satisfied.

If a judgment is rendered for the Police Department, that agency may contract with a collection agency licensed pursuant to Chapter 8 (commencing with Section 6850) of Division 3 of the California Business and Professions Code, or the successor statues thereto, to collect the judgment.

The Police Department shall pay the established first paper civil filing fee at the time an entry of civil judgment is requested.

C. If the registration of the vehicle has not been renewed for sixty (60) days beyond the renewal date, and the citation has not been collected by the Department pursuant to the California Vehicle Code Section 4760, or the successor statute thereto, then the Police Department may file proof of unpaid penalties and fees with the court which has the same effect as a civil judgment as provided above in Subdivision B.

B. The Police Department shall not file a civil judgment with the court relating to a parking citation filed with the Department unless the Police Department has determined that the registration of the vehicle has not been renewed for sixty (60) days beyond the renewal date and the citation has not been collected by the Department pursuant to the California Vehicle Code Section 4760 or the successor statute thereto.

**Section 16. Obligation of Police Department Once Parking Penalty Paid.**

A. If the operator or registered owner served with notice of delinquent parking violation, or any other person who presents the parking citation or notice of delinquent parking violation, deposits the penalty with the person authorized to receive it, the Police Department shall do both of the following:

1. Upon request, provide the operator, registered owner, or,

the registered owner's agency with a copy of the citation information presented in the notice of delinquent parking violation. The Police Department shall, in turn, obtain and record in its records the name, address and driver's license number of the person actually given the copy of the citation information.

2. Determine whether the notice of delinquent parking violation has been filed with Department or a civil judgment has been entered pursuant to Section 15.

B. If the Police Department receives full payment of all parking penalties and other related fees and the Police Department has neither filed a notice of delinquent parking violation nor entered a civil judgment, then all proceedings for that citation shall cease.

C. If the notice of delinquent parking violation has been filed with the Department and has been returned by the Department pursuant to the provisions of the California Vehicle Code and payment of the parking penalty has been made, along with any other related fees, then the proceedings for that citation shall cease.

D. If the notice of delinquent parking violation has been filed with the Department and has not been returned by the Department, and payment of the parking penalty along with any other fees applied by either the Department or the Police Department or both have been made, the Police Department shall do all of the following:

1. Deliver a certificate of payment to the operator, or other person making payment,

2. Within five (5) working days transmit payment information to the Department in the manner prescribed by the Department.

3. Terminate proceedings on the notice of delinquent parking violations,

4. Deposit all parking penalties and other fees as required by law.

**Section 17. Deposit of Parking Penalties with the City.** All parking penalties collected, including process service fees and costs related to civil debt collection, shall be deposited into an account of the City.

**Section 18. Filing of Annual Reports.** The Police Department shall prepare an audited report at the end of each fiscal year setting forth the number of cases processed, and all sums received and distributed, together with any other information that may be specified by the City or the State Controller. The report is a public record and shall be delivered to the City and its authorized issuing agency.

**Section 19. Savings Clause.** If any section, subsection, part, paragraph, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the validity of the remaining portions of the Ordinance and the application thereof shall not be affected and shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, paragraph, clause sentence or phrase regardless or whether any other section, subsection, part, paragraph, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

**Section 20. Urgency Ordinance; Immediate Effect.** This is an Urgency Ordinance necessary for the immediate preservation of the public peace, health, and safety, and shall go into effect immediately.

**PASSED, APPROVED, AND ADOPTED** this day of January 1999, by the following role call vote:

| | | |
|---|---|---|
| AYES: | Council Members | Twoomey, Hogan, Titchenell, Wilbur, Cuthbertson |
| NAYS: | Council Members | none |
| ABSENT: | Council Members | none |
| ATTEST: | Council Members | none |

Nancy Hogan
Mayor, City of Trinidad

Dana Deason
City Clerk, City of Trinidad

Parking in Lieu

ORDINANCE NO. 87-190

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF TRINIDAD, ORDINANCE NO. 166, AS AMENDED, TO IMPLEMENT RECOMMENDATIONS OF THE PARKING STUDY COMMITTEE.

SECTION 1. The City Council makes the following findings:

1. After due notice, a public hearing was held on May 20, by the Planning Commission of the City of Trinidad, at which time consideration was given to the project defined as the text amendments implementing recommendations of the Parking Study Committee as described in Exhibit "A" attached hereto.

2. On said date, the Planning Commission recommended that the City Council approve the text amendments and submitted to the City Council a written report of recommendations and reasons thereof, including the relationship of the proposed amendments to the General Plan, attached hereto as Exhibit "B."

3. The proposed amendments are categorically exempt from the California Environmental Quality Act per Section 15305 of the CEQA Guidelines exempting minor alterations to land uses.

SECTION 2. Following a duly noticed Public Hearing, the City Council of the City of Trinidad has adopted the recommendation of the Planning Commission.

SECTION 3. The City Clerk is directed to forward a copy of this Ordinance to the Executive Director of the California Coastal Commission within five working days of the adoption of this ordinance.

SECTION 4. This Ordinance shall take effect as follows:

1. Amendments contained herein shall take effect 30 days from adoption or as provided by Section 7.05 of the Trinidad Zoning Ordinance No. 166, as amended, pursuant to Public Resources Code Section 30514(c).

2. If the amendments contained herein do not qualify as minor amendments and require certification by the California Coastal Commission, the amendment shall not become effective until the City Council of the City of Trinidad accepts the amendments, as certified, and adopts, by ordinance, any changes requiring adoption by ordinance.

SECTION 5. All other provisions of Ordinance No. 166, as amended, shall remain in full force and effect.

INTRODUCED, PASSED and ADOPTED this 10th day of June, 1987, by the following vote:

AYES: Pettit, Kenny, Hanlon, Sharum

NAYS: None

ABSENT: None

ABSTAINED: Caldwell

Mayor, City of Trinidad

ATTEST:

Merilea Partch
City Clerk, City of Trinidad

# ORDINANCE NO. 93-11

An Ordinance of the City of Trinidad amending **Section 10.04.090** of the Municipal code relating to **speed limits.**

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1: **Section 10.04.090** of the Code, shall be amended to read as follows:

**10.04.090 Speed limit**. No vehicle shall be operated upon any street in any public or residential district in the city at a speed grater than that posted by the City. The chief of police shall erect or cause to be erected appropriate signs giving notice of such speed limits at such place as will accomplish such purposes; providing, however, that the speed limit in front of any school shall be fifteen miles per hour and appropriate signs giving notice of such shall be erected. (Ord. 112 Section 21, 1955)

This Ordinance shall take effect thirty (30) days after it's passage.

Passed, approved, and adopted this _____ day of September, 1993.

**AYES:**

**NOES:**

**ABSENT:**

APPROVED

Bryce Kenny, Mayor

ATTEST:

Janelle Case, Clerk

## Title 11

(RESERVED)

ZONING ORDINANCE AMENDMENTS REGARDING PARKING
A PLANNING COMMISSION REPORT TO CITY COUNCIL

The Planning Commission of the City of Trinidad recommends that the City Council of the City of Trinidad amend Zoning Ordinance No. 166 (as amended) with the changes described in the attached Exhibit "A" for the following reasons:

1. Proposed amendments implement recommendations of the Parking Study Committee, as summarized in "Reducing Parking Congestion," April 1987, by Recommendations 16. - 19. (Revised Summary of Recommendations).

2. Proposed amendments provide an alternative to granting variances when new development in the "PD" Planned Development Zone cannot provide minimum offstreet parking.

3. Proposed amendments provide for the opportunity to meet parking requirements with smaller spaces in recognition of the "compact" size automobile.

The Planning Commission has reviewed the General Plan for consistency of the proposed text amendments. Four policies relate to parking: #37, #38 (p.26), #55 (p.36) and #56 (p.37).

Policies 55 and 56 address parking in the harbor area, which the "Reducing Parking Congestion" study did not address. The study proposal that the lighthouse view area parking be made safer is consistent with Policy 38; however, corrective measures can be implemented without a zoning amendment.

The proposed amendments will help limit new parking demand along Trinity Street. This is not inconsistent with Policy 37; this policy supports adequate off-street parking where residences are located.

The proposed amendments also modify parking requirements to relieve potential problems resulting from allowable land use changes along Trinity Street, one of the main traffic routes designated by the General Plan.

INTRODUCED, PASSED and ADOPTED this 20th day of May, 1987, by the following roll call vote:

AYES: Schultz, Kirk, Stockness, Hardison

NAYES: ~~0~~

ABSENT: Huff

Chair, Planning Commission

ATTEST:

Secretary, Planning Commission

EXHIBIT "A"

ADD TO EXISTING SUBSECTION:
Sec. 4.07 Planned Development or PD Zone

A. Uses permitted with a use permit
5. a combined residence with a business use allowed by Section 4.07 A., other than a motel, where the business is not a home occupation as described by this ordinance.

REVISE EXISTING SUBSECTION TO READ:
Sec 6.18. Parking and Loading Facilities

Off-street parking and loading space shall be provided in all zones in conformity with the following:

A. Each required parking space shall not be less than 8'6" wide, 18 feet long and 7 feet high, provided that where 3 to 4 spaces are required, 1 space may be 16 feet long to accomodate compact cars; where 5 spaces are required, 2 may be 16 feet long; and where 6 or more spaces are required, up to 50% of the spaces may be 16 feet long.

ADD TO EXISTING SUBSECTION:
Sec. 6.18 B
8. Within the "PD" Planned Development Zone: gift shops, personal services, professional offices, retail sales, visitor services and combined residence and businesses other than a Home Occupation: a minimum of three (3) spaces for up to 500 sq. ft. of gross floor area of the business; an additional one (1) space per each additional 300 sq. (or portion thereof) of floor area over 500 sq. ft. of gross floor area of the business. This provision applies only in PD or Planned Development Zones.

ADD TO EXISTING SECTION:
Section 6.19 H. [new subsection]

In the PD, Planned Development Zone, in lieu of providing parking facilities required by the provisions of this section, the requirements may be satisfied by payment to the City, prior to the issuance of the building permit, of an amount per parking space, prescribed by the Council, for each parking space required by this section but not provided. The payment shall be deposited with the City in a special fund and shall be used, whenever possible, for the purpose of acquiring, developing, maintaining or enhancing parking facilities located, insofar as practical, in the vicinity of the use for which the payment is made. The Council may decline to accept payment in lieu of providing parking facilities.

# Title 12

## STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Encroachments
12.08 Cemetery
12.12 Trinidad Head
12.16 Underground Utility Districts

## Chapter 12.04

## ENCROACHMENTS

Sections:

12.04.010 Purpose.
12.04.020 Definitions.
12.04.030 Permits--Requirements.
12.04.040 Applicability.
12.04.050 Regulated encroachment activities.
12.04.060 Encroachment permit--Procedure.
12.04.070 Delegation of review and approval.
12.04.080 Encroachment permits--Criteria of approval.
12.04.090 Encroachment permits--Terms and conditions.

12.04.010 Purpose. The purpose of this chapter is to entitle and regulate activities in the public right-of-way. The encroachment permit process is the city's mechanism for guaranteeing that work in the public right-of-way is:

A. In the interest of the public health, safety and welfare;

B. Is conducted in a manner that does not result in conditions detrimental to the public health, safety and welfare;

C. Is not materially injurious to private or public property;

D. Does not result in practical difficulty or liability risk to city;

E. To be consistent and not in conflict with similar work by others or by the city itself. (Ord. 86-187 §1.01, 1987)

12.04.020 Definitions. "Encroachment permit" means a permit to conduct activity described in Sections 12.04.040 and 12.04.050. (Ord. 86-187 §2.01, 1987)

12.04.030 Permits--Requirements. All encroachment permits shall be reviewed according to the criteria set forth in this chapter and are subject to the terms and conditions therein. Additional terms and conditions may be prescribed by the department and/or decision-making body approving the encroachment permit, in order to ensure the purposes are carried out fully. (Ord. 86-187 §2.02, 1987)

12.04.040 Applicability. This chapter applies to all projects performed by private parties or their agents, or contractors of the city that take place within or involve alterations or improvements to the public right-of-way. (Ord. 86-187 §3.01, 1987)

12.04.050 Regulated encroachments activities. Activities in the public right-of-way include:

A. Sidewalk, curb, drop curb construction or repairs;
B. Sanitary sewers;
C. Water mains, services, etc.;
D. Storm drains;
E. Sidewalk or street closures;
F. Encroachment on sidewalks;
G. Non-city-owned utilities (gas, telephones, etc.);
H. Street improvements (grading, paving, etc.);
I. Alley improvements, use of alley;
J. Hydrant rental;
K. Subdivision improvements;
L. Banner permits;
M. Special event permits;
N. Other, as specified, including locating improvements (not falling in one of the categories above, such as signs) in the public right-of-way. (Ord. 86-187 §3.01, 1987)

12.04.060 Encroachment permit--Procedure. Applications for encroachment permits shall be reviewed as follows:

A. The applicant shall apply on a form prescribed by the city council;

B. The city clerk shall direct the application to the appropriate department or decision-making body as set forth in Sections 2.04.040 and 2.04.050.

C. Upon approval by the appropriate department or body as indicated in Sections 2.04.040 and 2.04.050, the city clerk shall issue the encroachment permit;

D. Disapproval of a request for an encroachment permit shall be made in writing with reasons given for the disapproval;

E. Disapprovals may be appealed to the city council within ten days of the date that notification of the disapproval was mailed to the applicant;

F. Grievances regarding the issuance of an encroachment permit and/or the conduct of an activity regulated by this chapter may be addressed to the city council. (Ord. 86-187 §4.01, 1987)

12.04.070 Delegation of review and approval. Encroachment permits shall be reviewed and approved by the departments and/or governing body of the city as set forth in Table 12.04.070.

Table 12.04.070

| Type of Encroachment Permit* | City Staff | | | | City Body | |
|---|---|---|---|---|---|---|
| | Public Works | Engineer | Planner | Police/Fire | Commission | Council |
| A. Sidewalk, curb, drop curb | Approve | | | | | |
| B. Sanitary sewers | Approve | Recommend | | | | |
| C. Water mains, water services, etc. | Approve | Recommend | | | | |
| D. Storm drains | Approve | Recommend | | | | |
| E. Sidewalks or street closures | Approve | | | Recommend | | |
| F. Encroachment on sidewalks | Recommend | Recommend | Recommend | | Approve | |
| G. Non-city-owned utilities | Approve | Recommend | | | | |
| H. Street improvements | Approve | Recommend | | | | |
| I. Alley improvements, alley use | Approve | Recommend | Recommend | Recommend | | |
| J. Hydrant rental | Approve | | | | | |
| K. Install subdivision improvements | Approve | | | | | |
| L. Special event permits | Recommend | Recommend | Recommend | Recommend | | |
| M. Other | Recommend | Recommend | Recommend | Recommend | Recommend | Approve |

*Encroachment permit types correspond to Sections 12.04.040 and 12.04.050
(Ord. 86-187 §5.01, 1987)

12.04.080 Encroachment permits--Criteria of approval. An encroachment permit may be issued when the proposed activity:

A. Is in the interest of the city and/or the health, safety and welfare of the public;

B. Does not result in conditions detrimental to the public health, safety and welfare;

C. Does not result in practical difficulty or liability risk to the city;

D. Is not materially injurious to private or public property. (Ord. 86-187 §6.01, 1987)

12.04.090 Encroachment permits--Terms and conditions. Encroachment permits are subject to the following conditions:

A. All work shall conform to the city standards and specifications.

B. Barricades must be kept on all trenches, excavations and obstructions. Warning lights must be maintained at night. All signs, flags, lights and safety devices involved in construction activities shall conform to the requirements set forth in the then current "Manual of Traffic Control Warning Signs, Lights and Other Devices for Use in Performance of Work Upon Highways," issued by the state Department of Transportation.

C. Continuous vehicle and pedestrian access shall be maintained unless specifically otherwise permitted by the encroachment permit.

D. Unrestricted access to fire hydrants shall be maintained at all times.

E. No street shall be closed without first notifying the city and receiving approval from the city. Under normal circumstances, the city expects at least twenty-four hours' advance notice of such closure. An estimate shall be given on how long the closure is expected to last. Notification shall be given to the city when the street is reopened.

F. All work shall be guaranteed for a period of not less than ninety days or more than one year from the date of acceptance by the city. Failure of the city to detect flaws in the work shall not relieve the applicant and/or contractor of this responsibility.

G. Failure to comply with these conditions and with this chapter shall result in direction from the city to stop work. The city reserves the right to perform the necessary correction and improvement work at the applicant's expense.

H. Any long-term encroachment not properly or promptly maintained will be repaired or removed at the applicant's expense.

I. No permit shall be issued to any individual, organization or contractor who has outstanding fees, charges or work not in compliance with terms of any encroachment permit

previously issued. The council may waive or alter this provision in exceptional circumstances.

J. The applicant shall indemnify and hold harmless the city, and its officers and agents, from all suits and actions of every name and description brought for, or on account of, any injuries or damages received or sustained by any person or persons, by or from the applicant, applicant's employees or agents, in the construction of the work, or by or in consequence of any negligence in guarding the same, or for improper materials and/or methods used in construction.

K. Encroachment permit applications involving banners, signs or structures shall be approved by the design review committee prior to issuance of the encroachment permit. (Ord. 86-187 §7.01, 1987)

## Chapter 12.08

## CEMETERY

Sections:

12.08.010 Purpose.
12.08.020 Definitions.
12.08.030 Administrative powers and duties.
12.08.040 General regulations.
12.08.050 Interment regulations.
12.08.060 Subdivision of plot.
12.08.070 Maintenance.
12.08.080 Conduct in cemeteries.

12.08.010 Purpose. In order to assure mutual protection to every plot purchaser and to the city, the city council adopts the following rules and regulations. All property owners and persons within this cemetery, and all plots sold shall be subject to these rules and regulations, and subject, further, to such other rules and regulations, amendments or alterations as shall be adopted by the city council from time to time; and the reference to these rules and regulations in the deeds or certificates of burial rights to plots shall have the same force and effect as if set forth in full herein. (Ord. 85-182 §1, 1985)

12.08.020 Definitions. For the purposes of this chapter:

"Cemetery" means the burial park, for earth interments, and any subsequent contiguous additions thereto, or any improvements added thereon, such as community mausoleum, for crypt or vault interments.

"Director of public works" means the person in charge of and responsible for the operation of the cemetery.

"Grave" means a space of ground within the burial park, used or intended to be used for burial.

"Interment" means the disposition of human remains by burial, entombment, or cremation and inurnment.

"Memorial" means the marker or nameplate by which the individual plots and/or graves are identified with the human remains interred therein.

"Monument" means a memorial which extends above the surface of the lawn.

"Plot" means space in the cemetery used, or intended to be used for the interment of human remains. The term includes and applies to one or more than one adjoining grave. (Ord. 85-182 §2, 1985)

12.08.030 Administrative powers and duties. The director of public works, or his duly authorized representative, is empowered to administer and enforce these aforementioned rules and regulations. (Ord. 85-182 §8, 1985)

12.08.040 General regulations. This being a public cemetery, all area within the fenced boundaries of this memorial park shall be open to the general public at all times, except during periods of road repair, etc., and under circumstances when public entry is found to be inadvisable for the health, safety and general welfare reasons, in the opinion of the city council. All vehicles moving within the cemetery must observe a maximum speed limit fifteen m.p.h. (Ord. 85-182 §3, 1985)

12.08.050 Interment regulations. A. Fixed Charges, Certificate of Burial Rights. A fixed fee for each grave will be paid to the city before a grave may be opened. The amount of this fee shall be set from time to time by resolution of the city council.

B. Holidays. No interments, disinterments or removals shall be permitted on Sundays or on any legal holiday, including national and state holidays, which the county wishes the cemetery to observe, except with the consent of the director of public works, the family and the funeral chapel first had and obtained.

C. Notice. The right is reserved by the director of public works to insist upon at least twenty-four working hours' notice before any interment and at least one week's notice prior to any disinterment or removal.

D. Location of Interment Space. When instructions from the plot holder regarding the location of an interment space within a plot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened where specified, the director of public works may, in his discretion, open it in such location in the plot as he deems best and proper, so as not to delay a funeral; and, the

cemetery and/or the city shall not be liable in damages for any error made in so doing.

E. Interment of More Than One Body. No more than one body, or the remains of more than one body, shall be interred in one grave unless the grave has been purchased with a written agreement permitting such multiple interment, and except as provided in Section 12.08.060. (Ord. 85-182 §4, 1985)

12.08.060 Subdivision of plot. The subdivision of plots is not allowed except in cases where all members of a family are cremated. In such cases, a plot may be subdivided into four parts for the purpose of interring the cremated remains. (Ord. 85-182 §5, 1985)

12.08.070 Maintenance. A. All grading, landscape work, improvements of any kind, and all care on plots shall be done, and all plant materials shall be planted, trimmed, cut, or removed solely by the director of public works or his duly authorized representative. All opening and closing of plots, and all interments, disinterments and removals shall be done under the supervision of the director of public works or his duly authorized representative.

B. All markers, nameplates, or other identifying memorials shall be installed only after approval is secured from the director of public works, and in no case shall any marker, nameplate or memorial be installed unless same is installed flush with existing lawn grade. No flower receptacle may be installed unless it is set wholly beneath ground level.

C. The placing of upright monuments, boxes, shells, toys, metal designs, ornaments, chairs, vases, glass, wood or iron cases, similar articles, or planting flora or fauna of any description is prohibited, and if so placed or planted, may be removed and disposed of in any manner which the director of public works shall see fit to employ. (Ord. 85-182 §6, 1985)

12.08.080 Conduct in cemeteries. A. Persons within the cemetery grounds, other than the director of public works, workmen, and/or funeral attendants, shall use only the avenues, walks, or roads, and any person injured while walking on the grass, except that be the only way to reach his or her plot, or while on any portion of the cemetery, other than the walks, roads, or avenues, shall in no way hold the city liable for any injuries sustained.

B. It is unlawful for any person to loiter in the city cemetery. (Ord. 89-204 §2(O), 1990; Ord. 85-182 §7, 1985)

# ORDINANCE NO. 2003-02

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING AND ADDING CERTAIN PROVISIONS OF CHAPTER 12.08 OF THE MUNICIPAL CODE RELATING TO THE CEMETERY.

The City Council of the City of Trinidad does hereby ordain as follows:

SECTION 1. Section 12.08.050 (A) of the Code shall be amended to read as follows:

A. **Fixed Charges, Certificate of Burial Rights**. A fixed fee for each grave will be paid to the City before a grave may be opened. The amount of this fee shall be set from time to time by resolution of the City Council. Fees for plots where more than one body (two bodies in caskets or the remains of four cremated bodies) will be interred shall be 1.5 (one and one half) times the fee for a plot where a single body is interred.

Burial plots will be reserved for no more than 30 days, with a 10% non-refundable deposit to be paid at the time the plot is reserved.

SECTION 2. Section 12.08.050 (E) of the Code shall be amended to read as follows:

E. **Interment of More Than One Body.** No more than one body, or the remains of more than one body, shall be interred in one grave unless the grave has been purchased with a written agreement permitting such multiple interments, and except as provided in Section 12.08.060.

Not more than two bodies, nor the remains of more than four cremated bodies shall be interred in one grave than the maximum number permitted under State Law (Ord. 85-182 Sec. 4 1985; Ord. 91- Sec. 3, 1991).

Furthermore, at the time the plot is purchased, there will be a charge for digging the grave and placing the lower liner if two caskets will be placed in the grave. Digging and lower liner placement will occur at the discretion of the gravedigger and when weather permits.

SECTION 3. This ordinance will take effect thirty days after the date of its adoption.

**PASSED, APPROVED, AND ADOPTED** by the Trinidad City Council, County of Humboldt, State of California on the 17th day of July, 2003, by the following vote:

AYES: Marlow, Bowman, Heyenga, Lin, Morales
NOES: None
ABSTAIN: None
ABSENT: None

**Attest:**

G Adams

**Gabriel Adams**
Trinidad City Clerk

Dean Heyenga

**Dean Heyenga**
Mayor

ORDINANCE NO. 92-4

An Ordinance of the City of Trinidad amending and adding certain provisions of Chapter 12.08 of the Municipal code relating to the Cemetery.

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1

Section 12.08.090 is added to the Trinidad Municipal Code as follows:

An individual may purchase not more than one (1) plot in the town cemetery. Such purchase confers the right to internment, but does not confer a property right. Notwithstanding the foregoing, any plot purchases prior to November 1, 1991, shall be considered to confer a property right, and the plot may be sold, traded, or given away by the present owner. From and after November 1, 1991, all plots purchased may be transferred only to the City of Trinidad, who will pay the original purchase price.

Section 2

Section 12.08.100 is added to the Trinidad Municipal Code as follows:

Any transfer of ownership on buriel rights must be registered with the City Clerk in writing. The transferor must pay a FIFTY ($50.00) DOLLAR fee to cover the administrative costs associated in transferring the records.

Section 3

Section 12.08.050(E) of the Code, shall be amended to read as follows:

E. ~~Interment of More Than One Body. No more that one body, or the remains of more than one body, shall be interred in one grave unless the grave has been purchased with a written agreement permitting such multiple interment, and except as provided in Section 12.08.060.~~

**Further**, not more than two bodies, nor the remains of not more than four cremated bodies shall be interred in one grave than the maximum number permitted under State Law. (Ord. 85-182 Sec. 4 1985; Ord._____Sec. 3, 1991.

Section 4

Section 12.08.110 is hereby added to the Trinidad Municipal Code as follows:

Plots purchased may be used for the interment of the purchaser or a family member only.

Section 5

This Ordinance shall take effect thirty (30) days after it's passage.

Passed, approved, and adopted this 13th day of November, 1991 by the following vote:

AYES: KENNY, BERNARD, ODOM, McCARTY, ROTWEIN

NOES: NONE

ABSENT: NONE

APPROVED

Bryce Kenny

Bryce Kenny, Mayor

ATTEST:

Janelle Case

Janelle Case, Clerk

RESOLUTION NO. 2000-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMMENDING RATES FOR THE PURCHASE OF BURIAL PLOTS IN THE CEMETERY

**WHEREAS**, Section 12.08.050 of the Trinidad Municipal Code authorizes the City Council to establish by resolution fees for burial plots within the City Cemetery;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Trinidad that:

1. All prior rates established by the City Council for burial plot purchase within the City's Cemetery are replace by those rates set forth herein.

2. The rate schedule for the purchase of Cemetery Plots shall be the following:

| | | |
|---|---|---|
| ñ | Single Plot: | $1,335.00 |
| ñ | Double Depth Plot: | 1,335.00 |
| ñ | Cremation Plot: | 675.00 |
| ñ | Recording/Administrative Fee per internment | 75.00 |

**INTRODUCED, PASSED AND ADOPTED** this 12th day of July, 2000, by the following vote:

AYES: Heyenga, Huff, Lin

NAYES: None

ABSENT: Twoomey, Deason

ATTEST: None

City Clerk
City of Trinidad

Mayor
City of Trinidad

# Chapter 12.12

## TRINIDAD HEAD

Sections:

12.12.010 Intent.
12.12.020 Regulations--Administration.
12.12.030 Permitted activities.
12.12.040 Restricted activities.
12.12.050 Speed limit.
12.12.060 Violation--Penalty.

12.12.010 Intent. It is the intent of this chapter to establish those minimal regulations which will insure maximum enjoyment of the Trinidad Head by the public, while at the same time protecting the environment for all to enjoy. (Ord. 176 §1, 1983)

12.12.020 Regulations--Administration. The city council may adopt such rules and regulations as it deems appropriate from time to time by resolution of the city council. (Ord. 176 §2, 1983)

12.12.030 Permitted activities. Activities allowed on Trinidad Head are:

A. Only foot traffic is allowable on Trinidad Head.

B. Weddings and picnics are allowable on Trinidad Head. Persons must remove their own rubbish. For weddings on Trinidad Head, the persons who wish to have a wedding on Trinidad Head must receive permission from the Trinidad city council. No alcoholic beverages allowed at weddings on the Head.

C. Vehicles will only be allowed on Trinidad Head after receiving permission from the city council for one specified event only and must sign a disclaimer that they will not hold the city responsible for any collision, accident or injury.

D. The following vehicles are allowed accessibility on Trinidad Head: USCG vehicles, PGE vehicles, USCG personnel living at the USCG housing and any city vehicles and Trinidad Head committee member's vehicles. (Ord. 176 §6, 1983)

12.12.040 Restricted activities. Activities not allowed on Trinidad Head are:

A. No private vehicles of any type, except those authorized by Section 12.12.030;

B. No dogs;

C. No horses;

D. No fireworks of any type;

E. No rock climbing;

F. No fires of any type;

G. No cutting or digging of any plants, brush or wild flowers on Trinidad Head with the exception of the Trinidad Head committee and the city public works department. (Ord. 90-204 §2(P), 1990; Ord. 176 §7, 1983)

12.12.050 Speed limit. The speed limit on Trinidad Head will be fifteen miles per hour due to foot traffic. Fifteen miles per hour speed signs will be placed at every two hundred yards on right and left sides of the Trinidad Head road. (Ord. 176 §8, 1983)

12.12.060 Violation--Penalty. It is unlawful for any person to violate any of the provisions of this chapter. Any such violation shall be an infraction. (Ord. 176 §5, 1983)

## Chapter 12.16

## UNDERGROUND UTILITY DISTRICTS

Sections:


| | |
|---|---|
| 12.16.010 | Definitions. |
| 12.16.020 | Public hearing. |
| 12.16.030 | Designation of underground utility districts. |
| 12.16.040 | Prohibited utility facilities. |
| 12.16.050 | Exceptions for emergency or unusual circumstances. |
| 12.16.060 | Facilities exempted. |
| 12.16.070 | Notice to property owners and utility companies. |
| 12.16.080 | Responsibility of utility companies. |
| 12.16.090 | Responsibility of property owners. |
| 12.16.100 | Responsibility of city. |
| 12.16.110 | Extension of time. |
| 12.16.120 | Violation--Penalty. |


12.16.010 Definitions. Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

"Commission" means the Public Utilities Commission of the state;

"Person" means and includes individuals, firms, corporations, partnerships and their agents and employees;

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers,

insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service.

"Underground utility district" or "district" means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 12.16.030.

"Utility" includes all persons or entities supplying electric, communications or similar or associated service by means of electrical materials or devices. (Ord. 153 §1, 1976)

12.16.020 Public hearing. The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least fifteen days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 90-204 §2(Q), 1990; Ord. 153 §2, 1976)

12.16.030 Designation of underground utility districts. If, after any such public hearing the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 153 §3, 1976)

12.16.040 Prohibited utility facilities. Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead

structures therein as provided in Section 12.16.030, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 12.16.090, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter. (Ord. 153 §4, 1976)

12.16.050 Exceptions for emergency or unusual circumstances. 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 department of public works in order to provide emergency service. The department of public works may grant special permission, on such terms as the department of public works 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. 153 §5, 1976)

12.16.060 Facilities exempted. This chapter and any resolution adopted pursuant to Section 12.16.030, shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the department of public works;

B. Poles or electroliers used exclusively for street lighting;

C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

F. Antennae, associated equipment and supporting structures, used for communications;

G. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 153 §6, 1976)

12.16.070 Notice to property owners and utility companies. A. Within ten days after the effective date of a resolution adopted pursuant to Section 12.16.030, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, wire carrier 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.

B. Notification by the city clerk shall be made mailing a copy of the resolution adopted pursuant to Section 12.16.030, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 153 §7, 1976)

12.16.080 Responsibility of utility companies. If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 12.16.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Ord. 153 §8, 1976)

12.16.090 Responsibility of property owners. A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 12.16.080 and the termination facility on or within the building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 12.16.030 the department of public works shall 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.

B. 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 of Trinidad. 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 department of public works, 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.

C. The notice given by the department of public works 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 department of public works 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.

D. If upon the expiration of the thirty-day period, the required underground facilities have not been provide, the department of public works shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the department of public works shall in lieu of providing the required underground facilities, 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. Upon completion of the work by the department of public works, it shall file a written report with the city council 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 council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten days thereafter.

E. The department of public works 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 to the person in possession of such premises, and a notice in writing 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 council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

F. Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

G. If any assessment is not paid within five days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by department of public works, and the department of public works 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 annum. (Ord. 153 §9, 1976)

12.16.100 Responsibility of city. The city shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 12.16.030. (Ord. 153 §10, 1976)

12.16.110 Extension of time. In the event that any act required by this chapter or by a resolution adopted pursuant to Section 12.16.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 153 §11, 1976)

12.16.120 Violation--Penalty. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a

misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this chapter. (Ord. 153 §12, 1976)

# ORDINANCE NO. 93 - 9

An Ordinance of the City of Trinidad prohibiting certain camping in the City Limits.

Section 1:

A new chapter, being Chapter 12.18 of the Trinidad Municipal Code, is hereby established, to read as follows:

## CHAPTER 12.18

## PUBLIC GROUNDS

Section 12.18.010 Overnight Use Prohibited

There shall be no camping or loitering on public grounds or in public buildings between dusk and sunrise unless a permit for such use is issued by the City Council

Section 12.18.020 Exceptions

The City Council may, from time to time, authorize overnight camping in those parks, buildings and grounds so designated by resolution.

Section 12.18.030 Use of public buildings and grounds prohibited without permission

No individuals or group may use public buildings or grounds without first obtaining permission from the City of Trinidad, except for normal leisure and recreational use of City parks, and playground facilities when such use does not preclude or discourage similar use by others.

Section 2:

The ordinance shall take effect thirty (30) days after its passage.

Passed, approved, and adopted by the City Council of the City of Trinidad, County of Humboldt, State of California, on the _____day of July, 1993, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Bryce Kenny, Mayor

ATTEST:

Janelle Case, Clerk

ORDINANCE 2004-02

# AN ORDINANCE OF THE CITY OF TRINIDAD ADDING CHAPTER 12.020 – TRAILS TO TITLE 12 OF THE TRINIDAD MUNICIPAL CODE

## Chapter 12.20 - TRAILS


| | | |
|---|---|---|
| Sections: | 12.20.010 | Intent |
| | 12.20.020 | Description of Trail System |
| | 12.20.030 | Regulations – Administrative |
| | 12.20.040 | Restricted Use for Old Wagon Road Trail |
| | 12.20.050 | Penalty |


### 12.20.010 Intent

It is the intent of this chapter to establish those minimal regulations that will ensure maximum enjoyment of Trinidad's trail system by the public, while at the same time protecting the environment.

### 12.20.020 Description of Trail System

The Trinidad General Plan establishes a system of public trails throughout the city. The Trinidad Planning Commission and Trinidad City Council establish criteria for siting, marking, and maintaining public trails, including benches at scenic locations.

### 12.20.030 Regulations – Administrative

The Trinidad City Council may adopt policies, rules and regulations regarding trails as it deems appropriate from time to time by Trinidad City Council resolutions or other actions.

### 12.20.040 Restricted Use for Old Wagon Road Trail

Public use of the Old Wagon Road Trail (or known as Wagner Street Trail) shall be restricted to day use only between the hours of sunrise and sunset (Regarding dog use, see TMC Title 6, Chapter 6, Section 6.06.010).

### 12.20.050 Violation - Penalty

A violation of any of the provisions of this chapter shall be an infraction. Each violation hereof shall be punishable by the penalties authorized by Government Code Section 36900. Each violation shall be punishable by a fine of $75.00.

**PASSED AND ADOPTED** by the City Council of the City of Trinidad, State of California, on Wednesday, June 09, 2004, by the following vote:

| | |
|---|---|
| AYES: | Marlow, Bowman, Heyenga, Lin, Morales |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | None |

**Attest:**

G. Adams

**Gabriel Adams**
Trinidad City Clerk

Dean Heyenga

**Dean Heyenga**
Mayor

# Title 13

## PUBLIC SERVICES

Chapters:


13.04 Water Service System
13.08 Water Rationing
13.12 Sewage Disposal


## Chapter 13.04

## WATER SERVICE SYSTEM

Sections:


13.04.010 Short title.
13.04.020 Definitions.
13.04.030 Water system.
13.04.040 Pressure conditions.
13.04.050 Maintenance of water pressure and emergency repairs.
13.04.060 Tampering with city property.
13.04.070 Rulings are final.
13.04.080 Pools and tanks.
13.04.090 Responsibility for equipment.
13.04.100 Notices--To customers.
13.04.110 Notices--From customers.
13.04.120 Water department--Created.
13.04.130 Water department--Water superintendent--Created.
13.04.140 Water department--Water superintendent--Duties.
13.04.150 Water department--Water superintendent--Violation, repairs.
13.04.160 Water department--Water superintendent--Supervision.
13.04.170 Water department--Billing clerk--Created.
13.04.180 Water department--Billing clerk--Duties.
13.04.190 Water superintendent--Billing clerk--Performance of duties.
13.04.200 Water department--Water commissioner--Created.
13.04.210 Application for water service.
13.04.220 Applicant responsibility.
13.04.230 Payment for previous service.
13.04.235 Water rates and fees.
13.04.240 Installation of services.
13.04.250 Changes in customer's equipment.
13.04.260 Size and location.

13.04.270 Curb cock.
13.04.280 Domestic, commercial and industrial service connection.
13.04.290 Service connections.
13.04.300 Application for main extension.
13.04.310 Installation of main extension--Costs.
13.04.320 Main extension--Advance costs and refunds.
13.04.330 Excess costs--Determination.
13.04.340 Main extension--Refund.
13.04.350 Subdivisions--Application required.
13.04.360 Subdivisions--Contents of application.
13.04.370 Subdivisions--Investigation of application.
13.04.380 Subdivisions, tract or housing projects--Deposit.
13.04.390 Subdivisions--Specifications and construction.
13.04.400 Subdivisions--Adjustment.
13.04.410 Subdivisions--Property of city.
13.04.420 Subdivisions--Connections.
13.04.430 Number of services per premises.
13.04.440 Water waste.
13.04.450 Responsibility for equipment on customer premises.
13.04.460 Damage to water system facilities.
13.04.470 Ground wire attachments.
13.04.480 Control valve on the customer property.
13.04.490 Cross-connections.
13.04.500 Cross-connections--Special cases.
13.04.510 Relief valves.
13.04.520 Backflow devices.
13.04.530 Inspection of backflow devices.
13.04.540 Discontinued service.
13.04.550 Interruptions in service.
13.04.560 Right of entry.
13.04.570 Meter--Installations.
13.04.580 Meters--Change in location.
13.04.590 Meters--Tests--Deposit.
13.04.600 Meters--Adjustment for errors--Fast meters.
13.04.610 Meters--Adjustment for errors--Slow meters.
13.04.620 Nonregistering meters.
13.04.630 Billing--Period.
13.04.640 Billing--Meter reading.
13.04.650 Billing--Opening and closing bills.
13.04.660 Billing--Water charges--Discontinuance for nonpayment.
13.04.670 Billing--Payment.
13.04.680 Billing--Separate meters not combined.
13.04.690 Billing--Consumer's guarantee.
13.04.700 Water used without connection application.
13.04.710 Leaking pipes and fixtures.
13.04.720 Damage to meters.
13.04.730 Disconnection for nonpayment.
13.04.740 Reconnection.

13.04.750 Reconnection charge.
13.04.760 Disconnection--Unsafe apparatus.
13.04.770 Disconnection--Cross-connections.
13.04.780 Fraud or abuse.
13.04.790 Noncompliance with regulations.
13.04.800 Vacating premises.
13.04.810 Penalty for nonpayment.
13.04.820 Suit for collection of charges.
13.04.830 Suit--Costs.
13.04.840 Use of fire hydrants.
13.04.850 Hydrant rental.
13.04.860 Moving of fire hydrants.
13.04.870 Private fire protection--Payment of cost.
13.04.880 Private fire protection--No connection to other system.
13.04.890 Private fire protection--Water.
13.04.900 Private fire protection--Meter rates.
13.04.910 Private fire protection--Monthly rates.
13.04.920 Private fire protection--Water for fire storage tanks.
13.04.930 Private fire protection--Violation of agreement.
13.04.940 Water pressure and supply.
13.04.950 Fire service connections--Rules.
13.04.960 Temporary service--Duration.
13.04.970 Temporary service--Deposit.
13.04.980 Temporary service--Installation and operation.
13.04.990 Temporary service--Responsibility for meters and installations.
13.04.1000 Temporary service--Supply from fire hydrant.
13.04.1010 Temporary service--Unauthorized use of hydrants.
13.04.1020 Temporary service--Credit.
13.04.1030 Violation--Penalty.

13.04.010 Short title. This chapter shall be known and may be cited as "City of Trinidad Water Ordinance." (Ord. 140 §1, 1971)

13.04.020 Definitions. For the purpose of this chapter all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number:

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

"Connection" means the pipeline and appurtenant facilities such as the curb stop, meter and meter box all used to extend water service from a main to premises, the laying thereof and the tapping of the main. Where the services are divided at the curb or property line to serve several

customers, each such branch service shall be deemed a separate service.

"Cost" means the cost of labor, material, transportation, supervision, engineering, and all other necessary overhead expenses.

"Cross-connections" means any physical connection between the piping system from the city service and that of any other water supply that is not approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the city distribution mains.

"City" means the city of Trinidad, California.

"Customer" means the water user, the tenant, or the owner.

"Main" means a water line in a street, highway, alley, or easement used for public and private fire protection and for general distribution of water.

"Owner" means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the county recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner.

"Person" means an individual or a company, association, copartnership or public or private corporation.

"Premises" means a lot or parcel of real property under one ownership, except where there are well-defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case each portion shall be deemed separate premises. Apartment houses, trailer courts and office buildings may be classified as single premises.

"Private fire protection service" means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefor.

"Public fire protection service" means the service and facilities of the entire water supply, storage and distribution system of the city, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

"Regular water service" means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefor.

"Temporary water service" means water service and facilities rendered for construction work and other uses of limited duration and the water available therefor.

"Water department" means the city council performing functions related to the city water service, together with

the water superintendent and the billing clerk, city engineer and other duly authorized representatives. (Ord. 140 §§2, 25--39, 1971)

13.04.030 Water system. The city will furnish a system, plant, works and undertaking used for and useful in obtaining, conserving and distributing of water for public and private uses, including all parts of the enterprise, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment. (Ord. 140 §3, 1971)

13.04.040 Pressure conditions. All applicants for service connections for water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection, and to hold the city harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service. (Ord. 140 §5, 1971)

13.04.050 Maintenance of water pressure and emergency repairs. The city shall not accept any responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making emergency repairs, etc. Consumers dependent upon a continuous supply should provide emergency storage. (Ord. 140 §6, 1971)

13.04.060 Tampering with city property. No one except an employee or representative of the water department shall at any time in any manner operate the curb cocks or valves, main cocks, gate or valves of the city's system; or interfere with meters or their connections, street mains or other parts of the water system. (Ord. 140 §7, 1971)

13.04.070 Rulings are final. All rulings of the water superintendent shall be final unless appealed in writing to the council within five days. When appealed, the council's ruling shall be final. (Ord. 140 §9, 1971)

13.04.080 Pools and tanks. When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the city prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the city' s facilities and if other consumers are not inconvenienced thereby. (Ord. 140 §260, 1971)

13.04.090 Responsibility for equipment. The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be

required for receiving, controlling, applying and utilizing water, and the city shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. The city shall not be responsible for damage to property caused by faucets, valves and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown. (Ord. 140 §261, 1971)

13.04.100 Notices--To customers. Notices from the city to a customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the city may resort to notification either by telephone or messenger. (Ord. 140 §45, 1971)

13.04.110 Notices--From customers. Notice from the customer to the city may be given by him or his authorized representative in writing at the city's operating office, or to the water superintendent. (Ord. 140 §46, 1971)

13.04.120 Water department--Created. A water department is created comprising the city council, a water superintendent and a billing clerk. (Ord. 140 §50, 1971)

13.04.130 Water department--Water superintendent--Created. The position of water superintendent is created. He shall regularly inspect and maintain all physical facilities related to the city water system, to see that they are in good repair and proper working order, and to note violations of any water regulations. He shall report directly to the water commissioner. (Ord. 140 §51, 1971)

13.04.140 Water department--Water superintendent--Duties. The water superintendent shall have, subject to approval of the water commissioner, full charge and control of the maintenance, operation and construction of the water works and system; authority to employ and discharge all employees and assistants; fix and alter the compensation of employees and assistants subject to approval by the council; and shall have charge of all employees and assistants. He shall perform such other duties as are imposed from time to time by the council, and shall report to the commissioner in accordance with the rules and regulations adopted by the council. (Ord. 140 §52, 1971)

13.04.150 Water department--Water superintendent--Violation, repairs. He shall promptly report any violation or disrepair to the commissioners. If the work required is

in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers. (Ord. 140 §53, 1971)

13.04.160 Water department--Water superintendent--Supervision. He shall supervise all repair or construction work authorized by the council and perform any other duties prescribed elsewhere in this chapter or which shall be hereafter prescribed by the council. (Ord. 140 §54, 1971)

13.04.170 Water department--Billing clerk--Created. The position of the billing clerk is created. He shall have charge of the office of the water department and of the billing for and collecting the charges herein provided. He shall perform such other duties as shall be determined by the water commissioner and council. (Ord. 140 §55, 1971)

13.04.180 Water department--Billing clerk--Duties. The billing clerk shall compute, prepare and mail bills as hereinafter prescribed, make collections, maintain proper books of account, collect account for and refund deposits, do whatever else is necessary or directed by the council to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the council. (Ord. 140 §56, 1971)

13.04.190 Water superintendent--Billing clerk--Performance of duties. The foregoing duties of water superintendent and billing clerk may be performed by an additional employee or employees. (Ord. 140 §57, 1971)

13.04.200 Water department--Water commissioner--Created. A. The position of water commissioner is created. He shall be a member of the council, appointed to such duty. He shall exercise supervisory authority over the water superintendent and billing clerk. Matters of policy not otherwise defined shall be referred to him.

B. Expenditures for new equipment or material fifty dollars and for repairs over two hundred dollars shall normally be approved by the water commissioner.

C. In the absence of the commissioner the mayor shall assume that position. (Ord. 140 §58, 1971)

13.04.210 Application for water service. A property owner or his agent may make application for regular water service on the following application form or by letter giving the same information:

ORDINANCE NO 92-2

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING CHAPTER 13.044 OF THE MUNICIPAL CODE RELATING TO WATER SERVICE.

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

Section 1. Section 13.04.235(E) of the Municipal Code is repealed in its entirety.

Section 2. Section 13.04.210 of the Municipal Code is amended by deletion of the following sentence from the water service application:

"He also agrees to use said service for not less than twelve (12) months or to pay an equivalent minimum bill."

Section 3. Section 13.04.690 of the Municipal Code is amended by adding to the end of the first sentence:

(availability charge will apply, see rates)

Section 4. Section 13.04.590 of the Municipal Code is amended by amending the amount of the deposit to read FIFTY DOLLARS ($50.00) for meters up to one (1) inch in size and SEVENTY FIVE DOLLARS ($75.00) for all other meters.

Section 5. Section 13.04.750 of the Municipal Code is amended by amending the amount of the reconnection charge to read FIFTY DOLLARS ($50.00) plus penalties.

Section 6. This ordinance shall take effect thirty (30) days after its adoption.

Passed, approved, and adopted this 12th day of February, 1992, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Janelle Case
City Clerk,
City of Trinidad

APPROVED:

J. Bryce Kenny
Mayor
City of Trinidad

CITY OF TRINIDAD

APPLICATION FOR WATER SERVICE INSTALLATION

Name _____ Location of premises to served _____

Mailing Address _____ Date Service Required _____

Size of Meter _____

By signing this application, the applicant agrees to observe any city regulation now or hereafter adopted related to the water service and to pay water bills promptly. He also agrees to use said service for not less than 12 months or to pay an equivalent minimum bill.

(owner) _____
(agent) _____
(title) _____

(Ord. 140 §75, 1971)

13.04.220 Applicant responsibility. Such application will signify the customer's willingness and intention to comply with this and other ordinances or regulations relating to the regular water service and to make payment for water service required. (Ord. 140 §76, 1971)

13.04.230 Payment for previous service. An application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the city. (Ord. 140 §77, 1971)

13.04.235 Water rates and fees. All water rates and fees shall be established, and may be amended, by resolution of the city council from time to time. (Ord. 157 §2, 1977)

13.04.240 Installation of services. Regular water services will be installed as desired by the applicant of the size determined by the water department. Service installations will be made only to property abutting on distribution mains as have been constructed in public streets, alleys or easements, or to extensions thereof as hereby provided. Services installed in new subdivisions prior to the construction of streets or in advance of street improvement must be accepted by the applicant in the installed location. (Ord. 140 §79, 1971)

13.04.250 Changes in customer's equipment. Customers making any material change in the size, character, or extent

of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the city written notice of the nature of the change, and, if necessary, amend their application. (Ord. 140 §80, 1971)

13.04.260 Size and location. The city reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The laying of consumer's pipe line to the meter should not be done until the location of the service connection has been approved by the superintendent. (Ord. 140 §81, 1971)

13.04.270 Curb cock. Every service connection installed by the city shall be equipped with a curb cock on the inlet side of the meter. The curb cock is intended for the exclusive use of the city in controlling the water supply through the service connection pipe. If the curb cock is damaged by the consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense. (Ord. 140 §82, 1971)

13.04.280 Domestic, commercial and industrial service connection. It is unlawful to maintain a connection excepting in conformity with the following rules:

A. Separate Building. Each house or building under separate ownership must be provided with a separate service connection. Two or more houses on the same lot shall have separate services if the houses could legally be sold separately. Two or more houses under one ownership and on the same lot or parcel of land may (with specific council approval, based on hardship) or extenuating circumstances be supplied through the same service connection; provided, that for each house under a separate roof an additional minimum will be applied to the single meter serving the houses. The council reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection.

B. Single Connection. Not more than one service connection for domestic or commercial supply shall be installed for one building, except under special conditions.

C. Different Owners. A service connection shall not be used to supply property owner or supply property of the same owner across a street or alley, without written approval for specific cases otherwise meeting the intent of this chapter.

D. Divided Property. When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters. (Ord. 140 §83, 1971)

ORDINANCE NO. 98-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING SECTION 13.04.280 OF THE TRINIDAD MUNICIPAL CODE

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1: Section 13.04.280 of the Trinidad Municipal Code is amended to read as follows:

13.04.280 Domestic, commercial and industrial service connection. It is unlawful to maintain a connection excepting in conformity with the following rules:

A. Separate use. Each house, apartment, dwelling unit, business or building, (utilized as a dwelling unit or business) must be provided with a separate service connection, including meter unless the Council approves extenuating circumstances that one is not necessary. If the City Council allows for multiple uses to be served from a single connection, then one base rate according to the current rate schedule shall be paid for each use on a single meter plus any consumption charges.

B. A separate dwelling unit shall be as defined by the Uniform Building Code (UBC) and generally includes multiplexes, garage conversions, house conversions, cottages, mother in law units and other dwelling units that have a separate outside entrance and bath facilities. Separate service is required whether or not these separate units are occupied. A separate connection is not required if the dwelling unit or other separate use is removed from service in conformance with the requirements of the UBC.

C. Single Connection. Not more than one service connection for domestic or commercial supply shall be installed for one use, except under special conditions.

D. Different Owners. A service connection shall not be used to supply property owners or supply property of the same owner across a street or alley, without written approval for specific cases otherwise meeting the intent of this chapter.

E. Divided Property. When property with a service connection is divided, each service connection shall be

considered as belonging to the lot or parcel of land which it directly enters.

F. Grace Period. There shall be a grace period for all separate uses existing on January 1, 1998. During this grace period, the City shall waive the connection fee and will not require the installation of separate water meters for separate uses where the property owner applies for water service by June 30, 1998. Monthly water base rates for additional uses on a single meter shall accrue from the effective date of this ordinance. If the owner does not apply for service by June 30, 1998, the connection fee shall be paid by the owner for all separate uses whether new or existing. Failure to pay the connection fee will result in termination of water service for any connection that serves more than one use. If service is terminated, the City's reconnection fee shall be chargred for reconnection.

Section 2: This ordinance shall become effective thirty (30) days after its passage.

Passed, approved and adopted this 11 day of March, 1998, by the following vote:

AYES: Dibree, Hogan, Pinske, Saunders, Sisneros
NOES: none
ABSENT: none

ATTEST:

Dana Deason

DANA DEASON, CITY CLERK
CITY OF TRINIDAD

APPROVED:

Glenn Saunders

GLENN SAUNDERS, MAYOR
CITY OF TRINIDAD

ORDINANCE NO_____ Repealed

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING CHAPTER 044 OF THE MUNICIPAL CODE RELATING TO WATER SERVICE.

The City Council of the City of Trinidad does ordain as lows:

Section 1. Section 13.04.235(E) of the Municipal Code repealed in its entirety.

Section 2. Section 13.04.210 of the Municipal Code is nded by deletion of the following sentence from the water vice application:

"He also agrees to use said service for not less than lve (12) months or to pay an equivalent minimum bill."

Section 3. Section 13.04.690 of the Municipal Code is nded by adding to the end of the first sentence:

(availability charge will apply, see rates)

Section 4. Section 13.04.590 of the Municipal Code is nded by amending the amount of the deposit to read FIFTY LARS ($50.00) for meters up to one (1) inch in size and ENTY FIVE DOLLARS ($75.00) for all other meters.

Section 5. Section 13.04.750 of the Municipal Code is nded by amending the amount of the reconnection charge to read TY DOLLARS ($50.00) plus penalties.

Section 6. This ordinance shall take effect thirty (30) s after its adoption.

Passed, approved, and adopted this 12th day of ruary, 1992, by the following vote:

AYES:

NOES:

ABSENT:

TEST: APPROVED:

ty Clerk,
ty of Trinidad

Mayor
City of Trinidad

# RESOLUTION 93-8

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING FEES AND CHARGES

**WHEREAS**, the Trinidad City Council is authorized under the provisions of Ordinance No. 157 to amend water rates and fees from time to time by resolution of the Trinidad City Council; and

**WHEREAS**, the Trinidad City Council deems it appropriate to amend the present fee for water deposit for rental units;

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Trinidad does hereby adopt the following fee for rental deposit for water service.

### Rental Fee Deposit

Inside City Limits.....$ 75.00

Outside City Limits.....$100.00

**PASSED, APPROVED AND ADOPTED** this 9th day of June, 1993 by the following roll call vote:

**AYES:**
**NOES:**
**ABSTAIN:**
**ABSENT:**

**ATTEST:**

Janelle Case

Janelle Case
City Clerk
City of Trinidad

**APPROVED:**

J. Bryce Kenny

J. Bryce Kenny
Mayor
City of Trindad

13.04.290 Service connections. The service connections extending from the water main to the property line and including the meter, meter box and curb cock or wheel valve, shall be maintained by the city. All pipes and fixtures extending or lying beyond the property line (or meter) shall be installed and maintained by the owner of the property. (Ord. 140 §84, 1971)

13.04.300 Application for main extension. The following rules are established for making main extensions:

A. Application. Any owner of one or more lots or parcels or subdivider of a tract of land, desiring the extension or enlargement of one or more water mains to serve such property, shall make a written application therefor to the city, the application to contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the city, and be accomplished by a map showing the location and number of the proposed connections.

B. Investigation. Upon receipt of the application, the water superintendent shall make an investigation and survey of the proposed extension and shall report his findings to the engineer who shall submit his report and the estimated cost thereof to the council.

C. Ruling. The council shall thereupon consider such application and report and after such consideration, reject, modify or approve it.

D. City Lines. All extensions thus provided for, in accordance with these regulations, shall be and remain the property of the city. Refunds for mains on existing city streets are normally not provided.

E. Dead-end Lines. No dead-end lines shall be permitted, except at the discretion of the engineer, and in cases where circulation lines are necessary, they shall be designed and installed by the water department as a part of the cost of the extension. (Ord. 140 §100, 1971)

13.04.310 Installation of main extension--Costs. A. The city will provide all main extensions upon application for service. The applicant shall advance the estimated cost of the main to and across his street frontage. For a corner lot the street frontage shall be one-half the sum of the total street frontages; for other irregular shaped lots the total street frontage shall be determined by the council. The estimated cost of the main shall be based on the engineer's estimate plus ten percent for six-inch asbestos cement pipe, in place as determined by the council.

B. A two-inch line may be installed where in the opinion of the engineer a two-inch line is sufficient to supply a limited number of houses (usually less than six) and the two-inch line will not be further extended in such a case without the approval of the council. The applicant shall

pay the entire cost of the entire length of the two-inch line plus ten percent.

C. The city will tap the main and provide the valve at the main at the city's expense. (Ord. 140 §101, 1971)

13.04.320 Main extension--Advance costs and refunds. A. When a person applies to connect his property to a main extension previously paid for by another person as set forth in Section 13.04.310, such applicant shall pay to the city one-half of the actual original cost of the main extension across his street frontage. When such connection is made within ten years of the date of original connection of such extension to the city's water system, the city shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the main extension as set forth in Section 13.04.310.

B. When a person applies for an additional or enlarged service to property that fronts on a main that has been extended and paid for by another owner subsequent to the date the applicant's property was originally connected to the city's system, such applicant shall pay to the city one-half of the actual original cost of such main extension across his street frontage. When such additional or enlarged service is connected within ten years of the date of original connection of such extension to the city's water system, the city shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the main extension as set forth in Section 13.04.310. (Ord. 140 §102, 1971)

13.04.330 Excess costs--Determination. If, in the opinion of the council, the cost thereof is in excess of what it is prepared to advance, or it questions the economic advantage to the city of making such advance, then person desiring service shall pay all costs, as follows:

A. Under One Hundred Feet. When the city so determines, the applicant shall advance one-half the estimated cost of the main across his street frontage, which frontage shall be not less than fifty feet; provided this distance, plus street intersections, if any, does not exceed one hundred feet.

B. One Hundred Feet Plus. Should the total main extension exceed one hundred feet the total cost must be deposited in advance of construction.

C. Corner. For a corner lot the street frontage shall be one-half the sum of the total street frontage, for other irregular shaped lots the total street frontage shall be determined by the council.

D. Deposit. The deposit for cost of main shall be based on the city's engineer's estimate plus ten percent for six-inch minimum cement asbestos pipe, in place.

E. Two-inch Pipe. A two-inch line may be installed

only where in the opinion of the engineer a two-inch line is sufficient to supply a limited number of houses (three to six) where such main will never be extended; and there is adequate nearby fire protection. The applicant(s) shall pay the entire cost of the entire length of two-inch line plus ten percent. The city will tap the main and provide the valve at the main. (Ord. 140 §103, 1971)

13.04.340 Main extension--Refund. A. Where the cost of the extension, excepting the one-half of the first one hundred feet as provided for in Section 13.04.330, has been paid for by a property owner(s) a refund shall be paid to the original person(s) advancing the cost of the main after others pay for their one-half the cost of the remainder of the main across his street frontage, which refund will be refunded to the original property owner(s) having made such payment, if it occurs within a ten-year period of such agreement date.

B. Refund of the cost of two-inch line shall include all of the first one hundred feet as provided for in Section 13.04.330 (as it was paid for by original applicant). (Ord. 140 §104, 1971)

13.04.350 Subdivisions--Application required. A person desiring to provide a water system within a tract of land which he proposes to subdivide, shall make written application therefor. (Ord. 140 §120, 1971)

13.04.360 Subdivisions--Contents of application. The application shall state the number of the tract, the name of the subdivision, and its location. It shall be accompanied by a copy of the tentative or final map, and of the plans, profiles and specifications for the street work therein. (Ord. 140 §121, 1971)

13.04.370 Subdivisions--Investigation of application. Upon receiving the application, the engineer shall make an investigation and survey of the proposed subdivision and shall report his findings to the council, including a recommendation as to the facilities required and the estimated cost of the proposed water system therefor. (Ord. 140 §122, 1971)

13.04.380 Subdivisions, tract or housing projects--Deposit. Subdividers shall advance to the city one hundred ten percent if to be constructed by the city, or ten percent if to be constructed by the subdivider, of the cost of the labor and materials necessary for constructing main lines to be laid within the subdivision, plus fire hydrants and appurtenances. Fire hydrants shall be so located that each lot is within five hundred feet of a hydrant. (Ord. 140 §123, 1971)

13.04.390 Subdivisions--Specifications and construction. The size, type and quality of materials and location of the lines shall be specified by the water department and the actual construction will be done by the water department or by a contractor acceptable to it, in either of which events it shall be supervised and inspected by the city. (Ord. 140 §124, 1971)

13.04.400 Subdivisions--Adjustment. Adjustments of any substantial differences between the estimated and actual number of feet of line installed shall be made at or before the completion of the installation, and any excess shall be refunded to the subdivider and any shortage will be paid by him to the city. (Ord. 140 §125, 1971)

13.04.410 Subdivisions--Property of city. All facilities shall be the property of the city and the total amount of credits and refunds shall not exceed the original deposit. (Ord. 140 §126, 1971)

13.04.420 Subdivisions--Connections. The subdivider shall, at his cost, provide all connections to houses constructed by him, as herein provided, prior to paving. (Ord. 140 §127, 1971)

13.04.430 Number of services per premises. The applicant may apply for as many services as may be reasonably required for his premises provided that the pipe line system from each service be independent of the others and that they not be interconnected. (Ord. 140 §140, 1971)

13.04.440 Water waste. No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the city may discontinue the service if such conditions are not corrected within five days after giving the customer written notice. (Ord. 140 §141, 1971)

13.04.450 Responsibility for equipment on customer premises. All facilities installed by the city on private property for the purpose of rendering water service shall remain the property of the city and may be maintained, replaced or repaired by the water department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made by city for placing or maintaining the facilities on private property. (Ord. 140 §142, 1971)

13.04.460 Damage to water system facilities. The customer shall be liable for any damage to the service

facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The city shall be reimbursed by the customer for any such damage promptly on presentation of a bill. (Ord. 140 §143, 1971)

13.04.470 Ground wire attachments. All individuals or business organizations are forbidden to attach any ground-wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the city. The city will hold the customer liable for any damage to its property occasioned by such ground-wire attachments. (Ord. 140 §144, 1971)

13.04.480 Control valve on the customer property. The customer shall provide a valve on his side of the service installation, as close to the meter location as practicable, to control the flow of water to the piping on his premises. The customer shall not use the service curb stop to turn water on and off for his convenience. (Ord. 140 §145, 1971)

13.04.490 Cross-connections. A. Cross Connection Control Required. It shall be the responsibility of the water superintendent of the city to protect the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. The superintendent or his designated agent shall conduct a periodic survey to identify water user premises where cross-connections are likely to occur. If, in the judgment of the superintendent or his designated agent, an approved backflow prevention device is required at the city's water service connection to any customer's premises, for the safety of the city water system, the superintendent or designated agent shall give notice in writing to said customer to install such an approved device at each service connection to his premises. The customer shall immediately install such device at such customer's expense. Failure, refusal, or inability on the part of the customer to install such a device shall constitute grounds for discontinuing water service to the premises until such device has been properly installed.

B. Approved Standards for Cross Connection Control Devices. Any backflow prevention device required by this chapter shall be a model and size approved by the water superintendent. The terms "approved backflow prevention device" as used in this chapter shall mean a model approved by the University of Southern California Foundation for Cross

Connection Control and Hydraulic Research, as specified in the latest approved list of backflow devices.

C. Approval of Water Superintendent Required. Prior to the installation of any backflow prevention device the customer shall submit to the water superintendent for approval a statement containing the make and model of such device and the location and method of such device.

D. Annual Inspection of Cross Connection Control Devices Required. It shall be the duty of the customer-user at any premises where an approved backflow prevention device has been installed to have certified inspections and operational tests made at least once each year. If in the opinion of the water superintendent or his designated agent a hazard is great enough, the superintendent may require a certified inspection at more frequent intervals. All inspections and tests shall be done at the customer's expense and shall be performed by the device manufacture's representative, by the city's utility personnel, or by a certified tester approved by the city. For any such inspection performed by the city's utility personnel a charge will be made to the customer in the amount of fifteen dollars per test on backflow prevention devices up to and including one inch. Testing of larger backflow prevention device will be charged to the customer at the cost to the city, with a minimum charge of fifteen dollars. It shall be the duty of the water superintendent to ensure that these tests are made periodically. The customer shall notify the city in advance of all such tests so that a representative of the city may be present to witness the test. Whenever an approved backflow prevention device is found to be defective, such device shall be repaired, overhauled, or replaced at the expense of the customer. Records of all such tests, repairs, or replacement shall be kept by the customer and made available to the city. In addition, the water superintendent shall maintain records of all tests, repairs, or replacements.

E. Whenever necessary to make an inspection to determine compliance with the provisions of this chapter, the health officer may enter any buildings or place at all reasonable times to inspect the same or to perform any duty imposed upon the health officer by this chapter; provided that, if such building or place be occupied, he shall first present proper credentials and demand entry; and, if such building or place be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or place and demand entry. If such entry is refused, the health officer or his authorized representative shall have recourse to every remedy provided by law to secure entry. (Ord. 90-204 §2(S)(part), 1990; Ord. 88-198 §1, 1988: Ord. 140 §146, 1971)

13.04.500 Cross-connections--Special cases. In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the city may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the backflow prevention device. (Ord. 140 §147, 1971)

13.04.510 Relief valves. As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valve or other protective devices are used. The relief valve shall be installed between the check valves and the water heater. (Ord. 140 §148, 1971)

13.04.520 Backflow devices. Whenever backflow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the city's mains entering such premises, buildings or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply lines. (Ord. 140 §149, 1971)

13.04.530 Inspection of backflow devices. The double check valve or other better approved backflow protection devices may be inspected and tested periodically for water tightness by the city. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by customer. (Ord. 140 §150, 1971)

13.04.540 Discontinued service. The service of water to any premises may be immediately discontinued by the city if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected. (Ord. 140 §151, 1971)

13.04.550 Interruptions in service. The city shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the water department. (Ord. 140 §152, 1971)

13.04.560 Right of entry. Whenever necessary to make an inspection to determine compliance with the provisions of this chapter, the health officer may enter any buildings or place at all reasonable times to inspect the same or to perform any duty imposed upon the health officer by this chapter; provided that, if such building or place be occupied, he shall first present proper credentials and demand entry; and, if such building or place be unoccupied, he shall first

make a reasonable effort to locate the owner or other persons having charge or control of the building or place and demand entry. If such entry is refused, the health officer or his authorized representative shall have recourse to every remedy provided by law to secure entry. (Ord. 89-204 §2(S)(part), 1990: Ord. 140 §153, 1971)

13.04.570 Meter--Installations. Meters will be installed in the sidewalk area, and shall be owned by the city and installed and removed at its expense. No rent or other charge will be paid by the city for a meter or other facilities, including connections. All meters will be sealed by the city at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents. (Ord. 140 §160, 1971)

13.04.580 Meters--Change in location. Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the city's property will be moved at its expense. If the lateral distance which the customer desires to have the meter moved exceeds eight feet he will be required to pay for new service at the desired location. (Ord. 140 §161, 1971)

13.04.590 Meters--Tests--Deposit. All meters will be tested prior to installation and no meter will be installed which registers more than two percent fast. If a customer desires to have the meter serving his premises tested, he shall first deposit five dollars for meters up to one inch in size and ten dollars for meters larger than one inch in size and shall be present when the meter is tested in the meter shop of the water department, or other specified location. Should the meter register more than two percent fast, the deposit will be refunded, but should the meter register less than two percent fast the deposit will be retained by the water department. (Ord. 140 §162, 1971)

13.04.600 Meters--Adjustment for errors--Fast meters. If a meter tested at the request of a customer is found to be more than two percent fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer. (Ord. 140 §163, 1971)

13.04.610 Meters--Adjustment for errors--Slow meters. If a meter tested at the request of a customer is found to be more than twenty-five percent slow in the case of domestic services, or more than five percent slow for other than domestic services, the city may bill the customer for the amount of the undercharge based upon corrected meter

readings for the period, not exceeding six months, that the meter was in use. (Ord. 140 §164, 1971)

13.04.620 Nonregistering meters. If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other methods as is determined by the water department and its decision shall be final. (Ord. 140 §165, 1971)

13.04.630 Billing--Period. The regular billing period will be monthly or bi-monthly at the option of the city. (Ord. 140 §175, 1971)

13.04.640 Billing--Meter reading. Meters will be read as nearly as possible on the same day each month. Billing periods containing less than twenty-seven days or more than thirty-three days for bills rendered monthly or less than fifty-four days and more than sixty-six days for bills rendered bi-monthly, will be pro-rated. (Ord. 140 §176, 1971)

13.04.650 Billing--Opening and closing bills. Opening and closing bills for less than the normal billing period shall be pro-rated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the water department for the final period as an expediency to permit the customer to pay this closing bill at the time service is discontinued. (Ord. 140 §177, 1971)

13.04.660 Billing--Water charges. Water charges are due and payable at the office of the city on the date of mailing the bill to the property owner or his agent as designated in the application, and delinquent fifteen days after the post office cancellation date. Service may be discontinued for nonpayment of bills on or after the sixtieth day after the bill was sent. At least fifteen days prior to such discontinuance, the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in the notice. The failure of the city to send, or any such person to receive, the notice shall not affect the city's power hereunder. A customer's water service may be discontinued if water service furnished at a previous location is not paid for within the time herein fixed for payment of bills. If a customer receives water service at more than one location and the bill for service at any one location is not paid within the time provided for payment, water service at all locations may be turned off. Domestic service, however,

ORDINANCE NO. 92-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING SECTION 13.04.690 OF THE TRINIDAD MUNICIPAL CODE RELATING TO WATER BILLINGS.

SECTION 1. Section 13.04.690B is amended to read as follows:

For residential and commercial rentals the property owner will be liable for unpaid accounts. The City may require a deposit in advance in the amount it may decide from time to time.
Delinquencies over twenty five (25) days and/or abnormal water usage shall be reported to the owner.

SECTION 2. This Ordinance shall take effect thirty (30) days after it's passage.

Passed, Approved, and Adopted by the Council of the City of Trinidad, County of Humboldt, State of California on the 8th day of July, 1992 by the following vote:

AYES: KENNY, ROTWEIN, KIRK, ODOM, SAUNDERS

NOES:

ABSENT:

Bruce Kenny
Mayor, City of Trinidad

Janelle Case
City Clerk, City of Trinidad

ORDINANCE NO. 93 - 10

An Ordinance of the City of Trinidad repealing Section 13.04.690(b) of the Trinidad Municipal Code.

The City Council of the City of Trinidad ordains as follows:

Section 1:

Ordinance No. 92-13 is hereby repealed in its entirety.

Section 2:

Section 13.04.690 is amended to read as follows:

13.04.690 Billing--Consumer's Guarantee.

A. The water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the City for any purpose whatever, the customer must sign a form in which he guarantees payment of future water bills for the service required. The person signing the guarantee form or meter set form will be held liable for water used until the City is notified in writing to discontinue service or to transfer the account to another property owner.

B. For residential, the City may require a deposit in advance in the amount that it may decide from time to time. (Ord. 140 Section 181, 1971) (Ordinance 93 - , 1983).

Section 3:

This Ordinance shall take effect thirty (30) days after its passage.

Passed, approved, and adopted by the City Council of the City of Trinidad, County of Humboldt, State of California, on the _____day of July, 1993, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Bryce Kenny, Mayor

ATTEST:

Janelle Case, Clerk

# RESOLUTION 93-8

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING FEES AND CHARGES

**WHEREAS**, the Trinidad City Council is authorized under the provisions of Ordinance No. 157 to amend water rates and fees from time to time by resolution of the Trinidad City Council; and

**WHEREAS**, the Trinidad City Council deems it appropriate to amend the present fee for water deposit for rental units;

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Trinidad does hereby adopt the following fee for rental deposit for water service.

### Rental Fee Deposit

Inside City Limits.....$ 75.00

Outside City Limits.....$100.00

**PASSED, APPROVED AND ADOPTED** this 9th day of June, 1993 by the following roll call vote:

**AYES:**
**NOES:**
**ABSTAIN:**
**ABSENT:**

**ATTEST:**

Janelle Case

Janelle Case
City Clerk
City of Trinidad

**APPROVED:**

J. Bryce Kenny

J. Bryce Kenny
Mayor
City of Trindad

ORDINANCE NO. 97-2

AN ORDINANCE OF THE CITY OF TRINIDAD
CONFIRMING THE EXISTENCE OF A WATER
AVAILABILITY CHARGE

WHEREAS, by Ordinance 90-207 was adopted by the City Council in 1991 and,

WHEREAS, Ordinance 90-207 imposed a water availability charge of Eleven Dollars and .24/100ths ($11.24) per month, which charge would be assessed against each unimproved parcel of land in the City of Trinidad which in the future might reasonably be expected to make use of City water services and,

WHEREAS, the original document consisting of Ordinance 90-207 can no longer be located,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Trinidad that a water availability standby charge of $11.24 is ratified and confirmed as having been in existence since September, 1991.

This ordinance shall become effective thirty (30) days after its passage.

Passed, approved, and adopted this 15 day of September, 1997, by the following vote:

AYES: Dobree, Hogan, Sisneros, Pinske, Saunders
NOES: none
ABSENT: none

ATTEST:

Dana Deason

Dana Deason,
Trinidad City Clerk

Glenn Saunders

Glenn Saunders
Mayor, City of Trinidad

ORDINANCE NO. 90-207

# AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTION 13.04.235 OF THE MUNICIPAL CODE RELATING TO WATER CONNECTION FEES

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

## Section 1

Section 13.04.235 of the Municipal Code is amended to read as follows:

A. All water rates and fees shall be established, and may be amended, by resolution of the City Council from time to time.

B. Payment of connection fees is to be made at the earlier of the following two circumstances:

1. At the time of application for a building permit, or

2. At the time of application for water service if no building permit is involved.

C. 1. Installation of services by City shall be completed within 30 days of approval of the application, unless the main is more than 100 feet away from the closest part of the parcel to be served, in which case installation shall occur within 90 days of the approval of the application.

2. Installation of services by others (not the City) shall be completed within 60 days of the approval of the application.

3. Extension in the time periods specified in subsection 1 and 2 above may be approved by the Water Superintendent for a single period up to sixty days. Said extension is to be in writing and based upon weather, utility conflicts or similar circumstances.

D. 1. Failure to initiate the installation of the required services within the time period required in Subsection C.1 above, will result in the refund by the City of 100 percent of the connection fees received. Upon issuance of the refund, the approval of the application is ended.

2. Failure to initiate the installation of the required services within the time period required for the installation of Subsection C.2 above, will result in the refund by the City of the connection fees received, less 10 percent of the fees for processing and related City costs. Upon issuance of the refund, the approval of the application is ended.

E. Applicant shall begin paying monthly fees upon installation of the service in the amount that results from usage in accordance with the standard water users fee schedule, or in the amount of the monthly minimum fee (base fee), whichever is greater.

Section 2

This ordinance shall take effect thirty (30) days after its adoption.

Passed, approved, and adopted this 14th day of November, 1990, by the following vote:

AYES: Kenny, Odom, Rotwein, Allen and Bernard

NOES: None

ABSENT: None

ATTEST:

City Clerk, City of Trinidad

APPROVED:

Mayor, City of Trinidad

CLERK'S CERTIFICATE

I hereby certify that the foregoing is the true and correct original of Ordinance No. 90-207, passed and adopted at a regular meeting of the City Council of the City of Trinidad, held on November 14, 1990.

City Clerk, City of Trinidad

13.04.500 Cross-connections--Special cases. In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the city may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the backflow prevention device. (Ord. 140 §147, 1971)

13.04.510 Relief valves. As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valve or other protective devices are used. The relief valve shall be installed between the check valves and the water heater. (Ord. 140 §148, 1971)

13.04.520 Backflow devices. Whenever backflow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the city's mains entering such premises, buildings or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply lines. (Ord. 140 §149, 1971)

13.04.530 Inspection of backflow devices. The double check valve or other better approved backflow protection devices may be inspected and tested periodically for water tightness by the city. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by customer. (Ord. 140 §150, 1971)

13.04.540 Discontinued service. The service of water to any premises may be immediately discontinued by the city if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected. (Ord. 140 §151, 1971)

13.04.550 Interruptions in service. The city shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the water department. (Ord. 140 §152, 1971)

13.04.560 Right of entry. Whenever necessary to make an inspection to determine compliance with the provisions of this chapter, the health officer may enter any buildings or place at all reasonable times to inspect the same or to perform any duty imposed upon the health officer by this chapter; provided that, if such building or place be occupied, he shall first present proper credentials and demand entry; and, if such building or place be unoccupied, he shall first

make a reasonable effort to locate the owner or other persons having charge or control of the building or place and demand entry. If such entry is refused, the health officer or his authorized representative shall have recourse to every remedy provided by law to secure entry. (Ord. 89-204 §2(S)(part), 1990: Ord. 140 §153, 1971)

13.04.570 Meter--Installations. Meters will be installed in the sidewalk area, and shall be owned by the city and installed and removed at its expense. No rent or other charge will be paid by the city for a meter or other facilities, including connections. All meters will be sealed by the city at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents. (Ord. 140 §160, 1971)

13.04.580 Meters--Change in location. Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the city's property will be moved at its expense. If the lateral distance which the customer desires to have the meter moved exceeds eight feet he will be required to pay for new service at the desired location. (Ord. 140 §161, 1971)

13.04.590 Meters--Tests--Deposit. All meters will be tested prior to installation and no meter will be installed which registers more than two percent fast. If a customer desires to have the meter serving his premises tested, he shall first deposit five dollars for meters up to one inch in size and ten dollars for meters larger than one inch in size and shall be present when the meter is tested in the meter shop of the water department, or other specified location. Should the meter register more than two percent fast, the deposit will be refunded, but should the meter register less than two percent fast the deposit will be retained by the water department. (Ord. 140 §162, 1971)

13.04.600 Meters--Adjustment for errors--Fast meters. If a meter tested at the request of a customer is found to be more than two percent fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer. (Ord. 140 §163, 1971)

13.04.610 Meters--Adjustment for errors--Slow meters. If a meter tested at the request of a customer is found to be more than twenty-five percent slow in the case of domestic services, or more than five percent slow for other than domestic services, the city may bill the customer for the amount of the undercharge based upon corrected meter

readings for the period, not exceeding six months, that the meter was in use. (Ord. 140 §164, 1971)

13.04.620 Nonregistering meters. If a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other methods as is determined by the water department and its decision shall be final. (Ord. 140 §165, 1971)

13.04.630 Billing--Period. The regular billing period will be monthly or bi-monthly at the option of the city. (Ord. 140 §175, 1971)

13.04.640 Billing--Meter reading. Meters will be read as nearly as possible on the same day each month. Billing periods containing less than twenty-seven days or more than thirty-three days for bills rendered monthly or less than fifty-four days and more than sixty-six days for bills rendered bi-monthly, will be pro-rated. (Ord. 140 §176, 1971)

13.04.650 Billing--Opening and closing bills. Opening and closing bills for less than the normal billing period shall be pro-rated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the water department for the final period as an expediency to permit the customer to pay this closing bill at the time service is discontinued. (Ord. 140 §177, 1971)

13.04.660 Billing--Water charges. Water charges are due and payable at the office of the city on the date of mailing the bill to the property owner or his agent as designated in the application, and delinquent fifteen days after the post office cancellation date. Service may be discontinued for nonpayment of bills on or after the sixtieth day after the bill was sent. At least fifteen days prior to such discontinuance, the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in the notice. The failure of the city to send, or any such person to receive, the notice shall not affect the city's power hereunder. A customer's water service may be discontinued if water service furnished at a previous location is not paid for within the time herein fixed for payment of bills. If a customer receives water service at more than one location and the bill for service at any one location is not paid within the time provided for payment, water service at all locations may be turned off. Domestic service, however,

will not be turned off for nonpayment of bills for other classes of service. (Ord. 90-204 §2(R)(part), 1990; Ord. 140 §178, 1971)

13.04.670 Billing--Payment. Bills for metered water service shall be rendered at the end of each billing period. Flat rate service shall be billed in advance. Bills shall be payable on presentation. On each bill for water service rendered by the city shall be printed substantially the following: "If this bill is not paid within fifteen days after the Post Office cancellation date of this card, service may be discontinued. A reconnection charge and penalties will be made and collected prior to renewing service following a discontinuance." (Ord. 140 §179, 1971)

13.04.680 Billing--Separate meters not combined. Separate bills will be rendered for each meter installation except where the water department has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made the meter readings will be combined for billing purposes. (Ord. 140 §180, 1971)

13.04.690 Billing--Consumer's guarantee. A. The water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the city for any purpose whatever, the property owner must sign a form in which he guarantees payment of future water bills for the service required. The person signing the guarantee form or meter set form will be held liable for water used until the city is notified in writing to discontinue service or to transfer the account to another property owner.

B. For rentals the property owner will be liable for unpaid accounts. The city may require a deposit in advance in the amount that it may decide from time to time. Delinquencies over seventy-five days and/or abnormal water usage shall be reported to the owner. (Ord. 140 §181, 1971)

13.04.700 Water used without connection application. A person taking possession of premises and using water from an active service connection without having made application to the city for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the city, and if accumulated bills for service are not paid immediately, the service may be discontinued by the city without further notice. (Ord. 140 §182, 1971)

ORDINANCE NO. 130

AN ORDINANCE OF THE CITY OF TRINIDAD ADDING SECTION 13.04.800 TO THE MUNICIPAL CODE, RELATING TO CUSTOMER WATER LEAKS.

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

Section 1: A new Section, Section 13.04.800 is hereby added to the Municipal Code as follows:

13.04.800 CUSTOMER WATER LEAK - REDUCTION IN BILL

There shall be a one-time reduction in a customers water bill, during one billing cycle only, for water which is metered but unused because of a water leak on the owner's side of the water meter or property line. This reduction shall only be allowed where it is determined by the City Council that the leak was caused by occurrences or events beyond the reasonable control of the property owner.

The reduction shall be a forgiveness of not more than one-half of the customers water bill for the one billing cycle during which the leak is discovered.

Section 2: This Ordinance shall become effective thirty (30) days after its passage.

Passed, approved, and adopted this 10th day of March, 1993, by the following vote:

AYES: KENNY, ODOM, SAUNDERS
NOES: -0-
ABSENT: ROTWEIN, KIRK

ATTEST:

City Clerk
City of Trinidad

APPROVED:

Mayor
City of Trinidad

13.04.710 Leaking pipes and fixtures. When turning on the water supply as requested and the house or property is vacant, the city will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The water department's jurisdiction and responsibility ends at the property line and the council and/or city will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line. (Ord. 140 §183, 1971)

13.04.720 Damage to meters. The council reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable, however, for any damage to the meter due to his negligence or carelessness and in particular for damage caused by hot water or steam from the premises. (Ord. 140 §184, 1971)

13.04.730 Disconnection for nonpayment. Service may be discontinued for nonpayment of bills on or before the fifteenth day following the date of post office cancellation. (Ord. 140 §190, 1971)

13.04.740 Reconnection. Failure to receive bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the city, and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action in the name of the city in any court of competent jurisdiction for the amount thereof. (Ord. 140 §191, 1971)

13.04.750 Reconnection charge. A reconnection charge of five dollars plus penalties will be made and collected prior to renewing service following a discontinuance. (Ord. 140 §192, 1971)

13.04.760 Disconnection--Unsafe apparatus. Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers. (Ord. 140 §193, 1971)

13.04.770 Disconnection--Cross-connections. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of state or federal laws. (Ord. 140 §194, 1971)

13.04.780 Fraud or abuse. Service may be discontinued if necessary to protect the city against fraud or abuse. (Ord. 140 §195, 1971)

13.04.790 Noncompliance with regulations. Service may be discontinued for noncompliance with this or any other ordinance or regulation relating to the water service. (Ord. 140 §196, 1971)

13.04.800 Vacating premises. Customers desiring to discontinue service should so notify the water department two days prior to vacating the premises. Unless discontinuance of service is ordered, the customers shall be liable for charges whether or not any water is used. (Ord. 140 §197, 1971)

13.04.810 Penalty for nonpayment. Rates and charges which are not paid on or before the day of delinquency shall be subject to a penalty of ten percent and thereafter shall be subject to a further penalty of two percent per month on the first day of each month following. (Ord. 140 §210, 1971)

13.04.820 Suit for collection of charges. All unpaid rates and charges and penalties herein provided may be collected by suit. (Ord. 140 §211, 1971)

13.04.830 Suit--Costs. Defendant shall pay all costs of suit in any judgement rendered in favor of city. (Ord. 140 §212, 1971)

13.04.840 Use of fire hydrants. Fire hydrants are for use by the city or by organized fire protection agencies pursuant to contract with the city. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the Water Department prior to use and shall operate the hydrant in accordance with instructions issued by the water department. Unauthorized use of hydrants will be prosecuted according to law. (Note: do not use hydrant valve for flow control, water truck loading, etc., as it undermines hydrant through relief valve at base). (Ord. 140 §220, 1971)

13.04.850 Hydrant rental. A charge, to be determined by contract between the city and organized fire protection agencies, will be imposed for hydrant maintenance and water used for public fire protection. (Ord. 140 §221, 1971)

13.04.860 Moving of fire hydrants. When a fire hydrant has been installed in the location specified by the proper authority, the city has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such changes, without refund. Any change in location of a fire hydrant must be approved by the proper authority. (Ord. 140 §222, 1971)

13.04.870 Private fire protection--Payment of cost. The applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the customer's premises including the cost of a detector check meter or other suitable and equivalent device, valve and meter box, the installation to become the property of the city. The city may agree to install the connection and meter at cost plus ten percent. (Ord. 140 §230, 1971)

13.04.880 Private fire protection--No connection to other system. There shall be no connections between this fire protection system and any other water distribution system on the premises. (Ord. 140 §231, 1971)

13.04.890 Private fire protection--Water. There shall be no water used through the fire protection service except to extinguish fires and for testing the fire fighting equipment. (Ord. 140 §232, 1971)

13.04.900 Private fire protection--Meter rates. Any consumption recorded on the meter will be charged for at double the regular service rates except that no charge will be made for water used to extinguish fires where such fires have been reported to the fire department. (Ord. 140 §233, 1971)

13.04.910 Private fire protection--Monthly rates. The monthly rates for private fire protection shall be established by the city council upon receipt of application. (Ord. 140 §234, 1971)

13.04.920 Private fire protection--Water for fire storage tanks. Occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the city in advance and an approved means of measurement is available. The regular water rates will be applied. (Ord. 140 §235, 1971)

13.04.930 Private fire protection--Violation of agreement. If water is used from a private fire service in violation of the agreement or of these regulations, the city may, at its option, discontinue and remove the service. (Ord. 140 §236, 1971)

13.04.940 Water pressure and supply. The city assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns

and variations required by the operation of the system. (Ord. 140 §237, 1971)

13.04.950 Fire service connections--Rules. The following rules shall apply to fire service connections:

A. Valve. When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.

B. Meter. If the city has not required a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, it shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply from such premises.

C. Additional Service. The city shall have the right to take domestic, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The council shall also have the right to determine the proportion of the installation cost properly chargeable to each service connection, if such segregation of costs shall become necessary.

D. Check Valve. The council reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a bypass meter at the expense of the owner of the property. (Ord. 140 §238, 1971)

13.04.960 Temporary service--Duration. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the city. (Ord. 140 §250, 1971)

13.04.970 Temporary service--Deposit. The applicant shall deposit, in advance, the estimated cost of installing and removing the facilities required to furnish the service exclusive of the cost of salvageable material. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit. If service is supplied through fire hydrant, the applicant will be charged in accordance with the following rate schedule:

A. Flat charge per connection, for both installation and removal of service facilities, including the meter, five dollars;

B. Each additional move of facilities to another location, five dollars. (Ord. 140 §251, 1971)

13.04.980 Temporary service--Installation and operation. All facilities for temporary service to the customer connection shall be made by the water department and shall

be operated in accordance with its instructions. (Ord. 140 §252, 1971)

13.04.990 Temporary service--Responsibility for meters and installations. The customer shall use all possible care to prevent damage to the meter or to any loaned facilities of the city which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight hours' notice in writing has been given to the city that the contractor or any other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer. (Ord. 140 §253, 1971)

13.04.1000 Temporary service--Supply from fire hydrant. An applicant for temporary use of water from a fire hydrant must secure a permit therefor from the city and pay the regular fee charged for the installation and removal of a meter to be installed on the hydrant; a valve for shutoff control, and provide himself with a hydrant wrench necessary to operate such hydrant, or pay the city five dollars for the loan of such equipment, and pay for the water used in accordance with the meter readings, at the rates prescribed by the council. (Ord. 140 §254, 1971)

13.04.1010 Temporary service--Unauthorized use of hydrants. Tampering with any fire hydrant for the unauthorized use of water therefrom, or for any other purpose, is a misdemeanor, punishable by law. (Ord. 140 §255, 1971)

13.04.1020 Temporary service--Credit. The applicant shall pay the estimated cost of service in advance or shall be otherwise required to establish credit. (Ord. 140 §256, 1971)

13.04.1030 Violation--Penalty. A. For the failure of the customer to comply with all or any part of this chapter, and any ordinance, resolution or order fixing rates and charges of the city, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the city that in the future he will comply with all the rules and regulations established by ordinance of the city and with all rates and charges of this city.

B. Service may be discontinued for nonpayment of bills on or after the sixtieth day after the bill was sent. At least fifteen days prior to such discontinuance, the

ORDINANCE NO 92-2

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING CHAPTER 13.044 OF THE MUNICIPAL CODE RELATING TO WATER SERVICE.

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

Section 1. Section 13.04.235(E) of the Municipal Code is repealed in its entirety.

Section 2. Section 13.04.210 of the Municipal Code is amended by deletion of the following sentence from the water service application:

"He also agrees to use said service for not less than twelve (12) months or to pay an equivalent minimum bill."

Section 3. Section 13.04.690 of the Municipal Code is amended by adding to the end of the first sentence:

(availability charge will apply, see rates)

Section 4. Section 13.04.590 of the Municipal Code is amended by amending the amount of the deposit to read FIFTY DOLLARS ($50.00) for meters up to one (1) inch in size and SEVENTY FIVE DOLLARS ($75.00) for all other meters.

Section 5. Section 13.04.750 of the Municipal Code is amended by amending the amount of the reconnection charge to read FIFTY DOLLARS ($50.00) plus penalties.

Section 6. This ordinance shall take effect thirty (30) days after its adoption.

Passed, approved, and adopted this 12th day of February, 1992, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Janelle Case
City Clerk,
City of Trinidad

APPROVED:

Bryce Kenny
Mayor
City of Trinidad

customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in the notice. The failure of the city to send, or any such person to receive, the notice shall not affect the city's power hereunder. A customer's water service may be discontinued if water service furnished at a previous location is not paid for within the time herein fixed for payment of bills. If a customer receives water service at more than one location and the bill for service at any one location is not paid within the time provided for payment, water service at all locations may be turned off. Domestic service, however, will not be turned off for nonpayment of bills for other classes of service. (Ord. 90-204 §2(R)(part), 1990; Ord. 140 §8, 1971)

## Chapter 13.08

## WATER RATIONING

Sections:

13.08.010 Purpose--Authority.
13.08.020 Definitions.
13.08.030 Enforcement--Authority
13.08.040 Application.
13.08.050 Adoption of rules and procedures.
13.08.060 Restrictions on large water users.
13.08.070 Site design review.
13.08.080 Gutter waste.
13.08.090 Restrictions on nonessential use.
13.08.100 Determination of water restrictions.
13.08.110 Appeals.
13.08.120 Effective date.
13.08.130 Violation--Penalty.

13.08.010 Purpose--Authority. A. The council of the city has declared that a water shortage emergency condition prevails in the area served by the city, due to conditions prevailing throughout the state of California and especially in the service area of the city. This chapter is intended to allocate equitably the water available for human consumption, sanitation and fire protection.

B. The specific uses regulated or prohibited in this chapter are nonessential; if allowed, they would constitute wastage of water and they should be prohibited pursuant to the Water Code Section 350 et seq., Water Code Section 71640 et seq., and the common law.

C. The actions taken hereinafter are exempt from the provisions of the California Environmental Quality Act of 1970 as projects undertaken as immediate action necessary to

prevent or mitigate an emergency pursuant to Section 15071(c) of the state EIR Guidelines. (Ord. 160 §1, 1977)

13.08.020 Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"City" means the city of Trinidad.

"Council" means the elected city council of the city of Trinidad.

"Customer" means any person using water supplied by the city of Trinidad.

"Nonessential use" means any use not required for human consumption, sanitation, or fire protection.

"Nonessential user" means any user other than a domestic residential customer or facility providing for the health and safety.

"Outdoor surface" means any patio, porch, veranda, driveway or sidewalk.

"Person" means any person, firm, copartnership, association, corporation, company, or organization of any kind.

"Water" means water from the city of Trinidad.

"Water committee" means the committee composed of city council members. (Ord. 160 §2, 1977)

13.08.030 Enforcement--Authority. A. The police chief of the city shall, in connection with his duties impose by law, diligently enforce the provisions of this chapter.

B. The water committee has the duty and is authorized to enforce the provisions of this chapter and has all the powers and authority contained in California Penal Code Section 836.5, including the power to issue written notice to appear. (Ord. 160 §11, 1977)

13.08.040 Application. The provisions of this chapter shall apply to all customers using city water both in and outside the city, regardless of whether any customer using water shall have a contract for water service with the city. (Ord. 160 §3, 1977)

13.08.050 Adoption of rules and procedures. The water committee shall adopt such rules and procedures, and shall hold meetings from time to time, as the water committee shall deem necessary and convenient in carrying out the intents and purposes of this chapter. (Ord. 160 §4, 1977)

13.08.060 Restrictions on large water users. No person whose historic monthly average water use of any

three-month period exceeds fifty thousand gallons per month, hereinafter called "large water users," shall irrigate, sprinkle, or water any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation except as assigned by the water committee after consultation with individual large water users. (Ord. 160 §5, 1977)

13.08.070 Site design review. While this chapter is in effect, no planting or landscaping required by the design review process or other city action shall be implemented unless the water committee determines that the health, safety or welfare of the public might be endangered. (Ord. 160 §6, 1977)

13.08.080 Gutter waste. No person or customer shall cause or permit any water furnished to him or her by the city to run to waste in any gutter, or otherwise. (Ord. 160 §7, 1977)

13.08.090 Restrictions on nonessential use. A. Whenever the water committee determines that the water available to the city is insufficient to permit nonessential use and that all water then available to the city should be used solely for human consumption, sanitation, and fire protection, the water committee may order and direct individually or collectively that nonessential use shall not be permitted by any person or customer. While such order is in effect, no person or customer shall, with city furnished water, fill any swimming pool, wash any car or any outdoor surface, irrigate, sprinkle, or water any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation, or allow any other nonessential use of water as designated by order of the water committee. Violations shall be punished as provided in Section 13.08.120.

B. The water committee shall use every reasonable means to inform customers that such order is in effect. (Ord. 160 §8, 1977)

13.08.100 Determination of water restrictions. Whenever the water committee determines that the water available to the city is insufficient to meet the demands of customers of the city and that all water available to the city should be protected for human consumption, sanitation and fire protection, the water committee may order limits be imposed on individual consumption as determined and specified by resolution of the city council, including penalties in addition to those specified in Section 13.08.110 of this chapter. (Ord. 160 §9, 1977)

13.08.110 Appeal. Any citizen may appeal to the council at a meeting called no later than three days after

RESOLUTION NO. 91-9

RESOLUTION TO THE CITY COUNCIL OF THE CITY OF TRINIDAD

AMENDING FEES AND CHARGES

BE IT RESOLVED by the City Council of the City of Trinidad that the following fees and charges be established for the designated services:

1. Water Services installation Fees in accordance with Ordinance No. 140 of the City of Trinidad.

   a. Application Fee.....$50.00

   b. Installation Charges Inside of City Limits:

| Sizing | Cost per Service Connection |
|---|---|
| 3/4" | $4,500 |
| 1" | $4,900 |
| 1-1/2" | $5,900 |

   c. Installation Charges Outside of City Limits:

| Sizing | Cost per Service Connection |
|---|---|
| 3/4" | $7,500 |
| 1" | $8,100 |
| 1-1/2" | $8,900 |

2. Monthly Water Rate Schedule. Rates for water services are hereby established as follows:

   a. Base Charge shall be:
      - o $23.50 per month inside of City Limits.
      - o $35.25 per month outside of City Limits.

   b. Consumption Charges per month:

| Inside City Limits | Outside City Limits |
|---|---|
| $1.68 per 100 cu. ft. (over 300 cu.ft./month) | $2.53 per 100 cu. ft. (over 300 cu.ft./month) |

7.48 gal = 1 cu ft.

$136,460 instead of $145,750 as approved at the July 24 meeting. Second by Rotwein. All approved. Motion carried.

Motion was made by McCarty to adjourn the meeting at 10:30 p.m. Second by Bernard. All approved. Motion carried.

Respectfully submitted,

Phyllis Sharum
City Treasurer
City of Trinidad

Approved by,

J. Bryce Kenny
Mayor
City of Trinidad

the complaint with action to be taken at that meeting. (Ord. 160(part), 1977)

13.08.120 Effective date. A. The provisions of this chapter shall be in full force and effect only upon adoption by the city council of a resolution declaring that a water emergency condition prevails pursuant to California Water Code Section 350 et seq.

B. The provisions of this chapter shall be of no further force or effect when the city council determines that a water shortage no longer exists. (Ord. 160 §12, 1977)

13.08.130 Violation--Penalty. A. Except as otherwise provided herein, violations of any provision of this chapter shall be punished as follows:

| Violation | Classification | Penalty |
|---|---|---|
| First violation | Infraction | $ 10 |
| Second violation | Infraction | 30 |
| Third violation and subsequent violations within a six-month period | Misdemeanor | 100 |

B. The water committee shall forthwith direct and cause disconnection of the water service of any person or customer cited for a misdemeanor under this section. Such service shall be restored only upon payment of the turn-on charge fixed by the city council, as provided by in the Trinidad Water Ordinance No. 140, as amended. Each day any violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 160 §10, 1977)

## Chapter 13.12

## SEWAGE DISPOSAL

Sections:

13.12.010 Intent and purpose.
13.12.020 Definitions.
13.12.030 Approved system required.
13.12.040 Sewer connection required.
13.12.050 Large and multi-unit sewage connections.
13.12.060 System failure.
13.12.070 Pump required when.
13.12.080 Easements.
13.12.090 Connection procedures--Generally.
13.12.100 Points of discharge.

13.12.110 Connection to public sewer prohibited.
13.12.120 Permit--Required.
13.12.130 Permit--Application--Contents.
13.12.140 Permit--Inspections.
13.12.150 Permit--Approval.
13.12.160 Permit--Denial.
13.12.170 Permit--Expiration.
13.12.180 Permit--Revocation.
13.12.190 Permit--Appeals.
13.12.200 Maintenance.
13.12.210 Investigation and abatements.
13.12.220 Declaration of public nuisance.
13.12.230 Abandoned disposal systems.
13.12.240 Cesspools and wastewells prohibited.
13.12.250 Privies.
13.12.260 Liability.
13.12.270 Lot inspections.
13.12.280 Subdivisions.
13.12.290 Health officer--Regulations.
13.12.300 Prohibitions.
13.12.310 Violation--Penalties.

13.12.010 Intent and purpose. A. Promotion of Health, Safety and Well-Being. This chapter shall apply to all territory embraced within the incorporated limits of the city of Trinidad, state of California. The city council enacts this ordinance for the control of individual sewage disposal systems in the city in order to promote the health, safety and well-being of the inhabitants of this city by providing to them a means to prevent ecologic strain and resolve the problems of sewage disposal.

B. The Use of Land and Sewage Disposal Relationships. This city council recognizes that the people of this city use the land in a fundamental urban pattern. This city council finds that, in urban and potentially urban lands, the use of the leachfield method of sewage disposal is a temporary measure and that the most appropriate means of sewage disposal for such lands is a public sewer system. (Ord. 150 §1, 1975)

13.12.020 Definitions. For the purposes of this chapter:

"Abandoned sewage disposal system" means a sewage disposal system use of which has been discontinued with the intent of never resuming such use. Nonuse of a sewage disposal system for a period of one year shall be prima facie proof of such intent.

"Building or place" means any residence, place of business, or other building or place where persons reside, congregate, or are employed.

"Cesspool" means a covered pit with open jointed lining into which sewage or waste is discharged, the liquid portion

of which is disposed of by leaching into the surrounding soil, the solids or sludge being retained in the pit.

"Health officer" means the city health officer or his authorized representative.

"Privy" means a device for the disposal of sewage in a pit in the earth which may be covered by a structure.

"Public nuisance" means anything which:

1. Is injurious to health or well-being, or is indecent or offensive to the senses, or an obstruction to the free use of the land or space, or interferes with the comfortable enjoyment of life or environment; and

2. Affects at the same time the occupants of one or more habitable units of a community or neighborhood, or any considerable number of persons, although the extent of the annoyance, damage, injury, obstruction or interference inflicted upon individuals may be unequal.

"Public sewer" means a common sewer system operated by a public entity.

"Public water system" means any system for which a permit is required by the state of California pursuant to the Pure Water Act (Health & Safety Code Section 4010 et seq.).

"Repair" means any alteration of or replacement of any component of a sewage disposal system.

"Sewage" means any substance, liquid or solid, which is associated with human habitation and may be injurious or dangerous to health, or which contains, or may be contaminated with human or animal excrement, offal or feculent matter.

"Sewage disposal system" means a system for the sanitary, safe and nuisance-free disposal of sewage or waste, other than a public sewer.

"Sewage disposal system failure" includes but is not limited to the observation by the Health Officer of any of the following:

1. Surfacing of effluent with the bacteriological or chemical characteristics of sewage;

2. Sluggish or inoperative plumbing fixtures;

3. The intrusion of surface or subsurface waters by effluent from a sewage disposal system;

"Vault privy" means a water tight, underground tank for the temporary storage of sewage or waste.

"Waste" means any and all waste substances, liquid, solid or gaseous, associated with any producing, manufacturing, processing or commercial operation, of whatever nature, which substances are not further used by the associated producing, manufacturing, processing or commercial operation.

"Waste well" means any hole in the ground used or intended to be used for the disposal of sewage or waste. (Ord. 150 §2, 1975)

<u>13.12.030 Approved system required</u>. No person shall construct, reconstruct, repair, maintain or use any building

or place which is not provided with a sewage disposal system approved by the health officer or connected to a public sewer. (Ord. 150 §3, 1975)

13.12.040 Sewer connection required. Every building that is within three hundred feet of an approved public sewer shall be connected to the public sewer by the owner or agent of the premises. A separate connection for each building or place may be required. The measurement of the three hundred feet shall be as follows: starting at the point where the permitting agency's jurisdiction ends (property line or curb line) to the nearest point of the property. The location of a structure upon the property shall not be a contributing factor unless the structure is located more than one thousand feet from the public sewer line. (Ord. 150 §4(A), 1975)

13.12.050 Large and multi-unit sewage connections. Multiple family units, mobilehome parks, commercial establishments, motels, hotels, subdivisions and minor subdivisions and other buildings or places creating a large flow of sewage or waste may be required by the health officer to connect from distances greater than three hundred feet. In requiring connections from greater distances, the health officer shall consider for the long term the following:

A. The intent and purpose of this ordinance;

B. Effect on the general plan, zoning ordinances, and the open space plan;

C. Potential nuisance creation;

D. Quantity of sewage flow;

E. Cost and suitability of such connection relative to the cost and suitability of constructing and maintaining sewage disposal systems.

F. Such other factors as the health officer deems appropriate. (Ord. 150 §4(B), 1975)

13.12.060 System failure. In instances of serious sewage failure, the health officer may require connection to an approved public sewer from a distance of up to one thousand feet. (Ord. 150 §4(C), 1975)

13.12.070 Pump required when. In the event a person required by Sections 13.12.040 through 13.12.110 to connect to a public sewer line does not have gravity flow to the public sewer line, he shall be required to install and maintain a sump pump at his own expense. Such installation shall be subject to the regulations of the public entity operating the public sewer. (Ord. 150 §4(D), 1975)

13.12.080 Easements. This city council will assist any individual required under this section to connect to a public sewer in attempting to acquire any easements which

may be necessary to allow for the most direct connection to the public sewer line. (Ord. 150 §4(E), 1975)

13.12.090 Connection procedures--Generally. Permit procedures, inspection procedures, and materials related to connection to a public sewer shall be in accordance with the specifications of the public entity operating the public sewer. (Ord. 150 §4(F), 1975)

13.12.100 Points of discharge. All points of discharge from the building or place which falls under the provisions of this section shall be connected to the public sewer line. (Ord. 150 §4(G), 1975)

13.12.110 Connections to public sewer prohibited. No sewage disposal system shall be connected to any public sewer. (Ord. 150 §4(H), 1975)

13.12.120 Permit--Required. A. No person shall construct, reconstruct, repair, maintain, abandon, operate or excavate for any kind of sewage disposal system or any portion thereof without having first obtained a permit to do so from the health officer.

B. Connections to approved public sewers are exempted from the above permit requirement. (Ord. 150 §5(A),(B), 1975)

13.12.130 Permit--Application--Contents. A. Each application for a permit to construct a sewage disposal system shall be made on a form provided by the health officer.

B. The information which the applicant is required to present includes but is not limited to the following information:

1. Name, address and telephone number of the applicant and the owner of the property on which the building or place to be served by the sewage disposal system is located and their agents if any;

2. Location of the property and the assessor's parcel number;

3. A scale map of the lot showing: appropriate landmarks; steep slopes; roads, surveyor's landmarks; lot dimensions; existing and proposed easements for road or utility purposes; existing proposed or abandoned sewage disposal systems;

4. Gross lot area, net lot area, and average cross-slope of the lot;

5. The intended use or uses of the property;

6. The number of dwelling units and rooms usable as sleeping quarters. If a nonresidential use is proposed, an estimate of the quantity of sewage flow and the method of estimating the flow shall be provided;

7. The level of the groundwater table during and at the end of the rainy season;

8. The source or purveyor of domestic water;

9. Plans and specifications for the proposed sewage disposal system, showing to scale the location of the proposed system to all structures, wells and water courses, property lines, reserve areas, and other information the Health Officer may deem necessary;

10. A statement from the Trinidad planning commission that the proposed development of the site is consistent with the general plan, zoning ordinance, and the open space conservation plan, and an opinion on whether the proposed development may exert pressures which will detrimentally affect the implementation of the general plan, zoning ordinance, or the open space conservation plan;

11. Soil characteristics;

12. Other information which the Health Officer may deem to be necessary to the making of an informed and professional decision on the application.

C. The health officer may require that analysis of soil characteristics or of the percolative capacity of the soil be performed or that additional relevant data be gathered and analyzed.

D. The health officer may specify the time of year during which water table determinations are to be made.

E. Any tests, data gathering, or analysis which the Health Officer may require as part of the application process shall be performed at the expense of the applicant.

F. Any tests, data gathering or analysis which the health officer may require as part of the application process may be required to be performed under the supervision of the health officer or performed by individuals certified by the health officer to carry out such testing, date gathering or analysis.

G. Any tests, data gathering, or analysis which the Health Officer may require as a part of the application process shall be performed in accordance with regulations issued by the health officer.

H. Each application for a permit to construct a sewage disposal system shall be accompanied by a filing fee in an amount set by resolution of the city council in an amount sufficient to cover costs. No part of the fee shall be refundable. (Ord. 150 §5(C), 1975)

13.12.140 Permit--Inspections. A. Prior to issuing any sewage disposal system permit, the health officer shall inspect the site and review department records to determine the probable suitability of the site to absorb sewage.

B. Final inspection of each installation shall be made prior to the time the system is backfilled or covered. In the event that the health officer determines that there has been an improper installation, a stop work order may be

posted on the job site. Before any further work is done on the site, clearance from the health officer must be obtained.

C. At the discretion of the health officer, the above work may be performed by the building inspector. (Ord. 150 §5(D), 1975)

13.12.150 Permit--Approval. A. If the health officer finds that the proposed sewage disposal system conforms to the requirements of this chapter, regulations issued by the health officer, and other pertinent laws and ordinances, and the proposed sewage disposal system is appropriate for the sewage disposal demands of the situation, he shall issue a permit therefor. The granting of the permit shall be made subject to terms and conditions attached thereto and made a part thereof. If the sewage disposal system requires major repair, the permit shall require the entire system to conform as close as is possible to this chapter.

B. Final approval of the sewage disposal system by the city health office does not guarantee that the system will function satisfactorily. Final approval means only that the system has been installed in a manner consistent with the terms and conditions of the permit. (Ord. 150 §5(E), 1975)

13.12.160 Permit--Denial. A. The health officer shall not issue a permit if he finds that the proposed sewage disposal system does not conform to all the requirements of this ordinance, regulations issued by the health officer, and other pertinent laws and ordinances, or for other reasons finds the proposed sewage disposal system inappropriate for the sewage demands of the situation.

B. The health officer shall give written notice to the applicant of the decision to deny the permit. Such notice shall include the reasons for denial. Written notice shall be deemed to be received one day after the notice, properly addressed, is mailed. (Ord. 150 §5(F), 1975)

13.12.170 Permit--Expiration. All sewage disposal system permits shall expire and become null and void if the work authorized thereby has not been completed and passed final inspection within one year following the issuance of the permit. Prior to the expiration of the one-year period, the health officer may extend the term of the permit for an additional one-year period if presented with evidence that the work authorized can reasonably be expected to be completed during the one-year extension. (Ord. 150 §5(G), 1975)

13.12.180 Permit--Revocation. A. Any sewage disposal system permit may be revoked or suspended by the health officer if he determines that a violation of this chapter or regulations issued by the health officer exists or that the

permit was obtained by fraud, misrepresentation, or material omission. Prior to revoking or suspending the permit, the health officer must cause written notice to be mailed to the permittee and to the occupant of the property. The notice shall specify the violation(s) and the work to be done and shall allow thirty days to complete the work. The notice shall also inform the permittee that he has a right to an informal hearing before the health officer.

B. The notice of revocation or suspension shall inform the permittee of his right to a hearing before the city council of the city if the permittee files an appeal with the city council.

C. The suspension or revocation of any permit shall not be effective until ten days after notice thereof in writing is mailed to the permittee. (Ord. 150 §5(H), 1975)

13.12.190 Permit--Appeals. A. Any person affected by an approval, denial, suspension or revocation of a permit by the health officer may appeal to the city council by filing a notice of appeal with the clerk of the city within thirty days of the action of the health officer. The notice of appeal shall be accompanied by a filing fee set by resolution of the city council of the city in an amount sufficient to cover costs. The appeal shall stay the effect of the action of the health officer.

B. The appeal shall be in writing and addressed to the city council. The appellant shall file a copy of the appeal with the health officer on the day of filing with the clerk of the city. In the notice of appeal the appellant shall state in full the facts and circumstances which make the action of the health officer unreasonable. It shall also state the date of the claimed unreasonable action of the health officer.

C. The city council shall cause the matter to be set for hearing not earlier than twenty days after the notice of appeal has been filed with the clerk of the city. The clerk of the city shall cause notice to be mailed to all affected persons at least ten days prior to the hearing.

D. 1. At the time and place set for the hearing, the city council shall proceed to hear the testimony of the health officer, the testimony of the owner or his representatives, and the testimony of other competent persons concerning the conditions upon which the action of the health officer is based and other matters which the city council may deem pertinent. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and other witnesses. The hearing may be continued from time to time.

2. The health officer may be represented by counsel. At the request of the health officer, the city attorney shall represent the Health Officer.

E. "Any person affected" shall include but not be limited to the applicant or his agent, the owner of the affected property or his agent, and the owners or their agents of all adjoining properties to the property against which the action of the health officer is directed.

F. The city council may upon the appeal either affirm the action of the health officer or grant a variance to the provisions of this chapter or regulations issued by the health officer upon which the action under appeal is based. The decision of the city council upon an appeal shall be based upon the facts presented to it. (Ord. 150 §6, 1975)

13.12.200 Maintenance. A. The operator of a dual field installation shall alternate the field at times specified by the health officer.

B. Unless otherwise specified by the health officer, septic tanks shall be pumped at least once every seven years. (Ord. 150 §7, 1975)

13.12.210 Investigation and abatements. A. Whenever necessary to make an inspection to determine compliance with the provisions of this ordinance, the health officer may enter any buildings or place at all reasonable times to inspect the same or to perform any duty imposed upon the health officer by this chapter; provided that, if such building or place be occupied, he shall first present proper credentials and demand entry; and if such building or place be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or place and demand entry. If such entry is refused, the health officer or his authorized representative shall have recourse to every remedy provided by law to secure entry.

B. In the event a sewage disposal system subject to this ordinance is operated, constructed or repaired contrary to the terms of this chapter or regulations issued by the health officer, the health officer may send written notice to the owner of the land as shown, on the most recent equalized assessment roll, at his address listed on the roll, which notice shall state the manner in which the sewage disposal system is in violation, what corrective measures must be taken, the time within which such corrections must be made, and that, if the land owner fails to make corrections within the period provided, the corrections may be made by the county and the land owner shall be liable for the costs thereof.

C. If the corrections listed on the notice are not made as required in said notice, the health officer shall abate the nuisance or violation. The notice permitted by this subsection need not be given prior to abating the nuisance or violation. (Ord. 150 §8, 1975)

13.12.220 Declaration of public nuisance. The following are declared to be a public nuisance:

A. The presence of sewage upon the surface of the ground in urban and suburban areas;

B. A sewage disposal system which creates a public nuisance;

C. A sewage disposal system which empties, flows, seeps or drains into any surface waters or can reasonably be expected to do so;

D. A sewage disposal system which now does or may reasonably be expected to empty, flow, seep or drain into or adversely affect any subsurface water which is used or is suitable for use by any inhabitants of the state.

E. A sewage disposal system installed, maintained, operated, repaired or abandoned in violation of any provision of this chapter or regulations issued hereunder.

F. This declaration of public nuisance is not intended to be an exclusive definition of public nuisance or a limitation upon the authority of the health officer to declare other circumstances to be a public nuisance. (Ord. 150 §9, 1975)

13.12.230 Abandoned disposal systems. A. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five feet of the property line.

B. Every abandoned septic tank shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete, or other approved material. The cover of the septic tank shall be removed before filling. The filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until an inspection has been completed by the health officer. After such inspection the septic tank shall be filled to the level of the top of the ground.

C. No person owning or controlling any septic tank shall fail, refuse or neglect to comply with the provisions of this section upon receipt of notice from the health officer.

D. Where a sewage disposal system is abandoned consequent to connecting with the public sewer, the permittee making the connection shall fill the abandoned septic tank as required by the health officer within thirty days from the time of connecting with the public sewer. (Ord. 150 §10, 1975)

13.12.240 Cesspools and wastewells prohibited. It is unlawful to drill, construct, maintain, use, or operate a cesspool or wastewell without obtaining a permit from the health officer. Bored pits and seepage pits tend to have the same undesirable characteristics of cesspools and

wastewells. It is unlawful to dig or bore seepage pits or bored pits. (Ord. 150 §11, 1975)

13.12.250 Privies. On and after the effective date of the ordinance codified in this chapter, it is unlawful to construct, maintain, or use a privy except as may be permitted by the health officer under special conditions. (Ord. 150 §12, 1975)

13.12.260 Liability. This chapter shall not be construed as imposing upon the city any liability or responsibility for damage resulting from the defective installation of any sewage disposal system as herein provided, nor shall the city or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. (Ord. 150 §13, 1975)

13.12.270 Lot inspections. A. Upon request, the health officer may make inspection of a lot and review available departmental records to determine the probable suitability of the property for individual sewage disposal. The health officer shall issue a report on the inspection findings to the property owner or his authorized representative. A lot inspection report shall not constitute approval for the issuance of the sewage disposal permit or guarantee of such issuance.

B. Each application for inspection of a lot shall be accompanied by a fee set by resolution of the city in an amount sufficient to cover costs. When inspection of more than one lot is requested, the fee shall be charged for each lot. (Ord. 150 §14, 1975)

13.12.280 Subdivisions. A. For any proposed subdivision or minor subdivision which will not be connected to a public sewer system prior to sale of the lots, the health officer shall require detailed plans of the means of sewage disposal to be used in the subdivision before presenting recommendations to the planning commission.

B. Such plans shall recognize that the sewage disposal demands of any particular subdivision cannot be analyzed without reference to the sewage disposal demands of the land surrounding the subdivision.

C. Such plans shall recognize that the proposed sewage disposal systems of the subdivision must be viewed as a single system for purposes of analysis.

D. Such plans shall be consistent with all the provisions of this ordinance and regulations hereunder.

E. Such plans shall include provisions to meet sewage disposal demands over the long term.

F. Such plans require the approval of the health officer.

G. The plans shall be accompanied by a fee sufficient to cover the expenses incurred by the city in reviewing the plans. The fee shall be set by resolution of the city council. In the event that the actual costs are less than the fee deposited, the balance shall be returned. In the event the actual costs are greater than the fee deposited, the subdivider shall pay to the city the excess of the actual costs over the amount of the fee deposited. (Ord. 150 §15, 1975)

13.12.290 Health officer--Regulations. A. The health officer shall issue such regulations as he deems necessary to carry out the provisions of this chapter.

B. Any such regulations issued by the health officer shall:

1. Be consistent with the intent and purpose of this chapter;

2. Recognize the most current technical information relevant to the provisions of this chapter;

3. Provide for exceptions where a strict application of this chapter or regulations issued by the health officer would inflict a substantial personal hardship upon the occupants of the building or place in question.

4. Be designed to minimize and eliminate public nuisance hazards or the potential thereof.

5. Recognize that any single sewage disposal system is in reality a subunit of a larger disposal system comprised of numerous subunits.

C. Regulations issued by the health officer under this section shall become effective when adopted by resolution of the city council.

D. Regulations issued under this section may be amended from time to time by resolution of the city council.

E. Regulations issued under this section shall be available to the public in booklet form at a fee to be determined by the city council. (Ord. 150 §16, 1975)

13.12.300 Prohibitions. A. No permit shall be issued if the operation of the proposed sewage disposal system would tend to create a public nuisance.

B. No application shall be accepted if the proposed development of the site would violate any ordinance enacted by the city council of the city or would be inconsistent with the general plan, zoning ordinances or open space conservation plan.

C. No permit shall be issued if the operation of the proposed sewage disposal system would violate any laws of the state.

D. It shall be unlawful for any person to deposit, by any means whatsoever, into any plumbing fixture, floor drain, interceptor, sump, receptacle or device which is connected to any drainage system, public sewer, sewage disposal

system, septic tank or any ashes, cinders, solids, rags, flammable, poisonous or explosive liquids or gases, oils, grease and any other thing whatsoever which would, or could, cause damage to the public sewer, private sewer or private sewage disposal system. (Ord. 150 §17, 1975)

13.12.310 Violation--Penalties. Any person, firm or corporation who violates or refuses or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished upon conviction by a fine of not less than twenty-five dollars nor more than five hundred dollars or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment. (Ord. 150 §18, 1975)

# Title 14

(RESERVED)

ORDINANCE NO. 99-3

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTIONS 15.04.010; 15.04.060; 15.04.100; 15.04.120; 15.04.0140; 15.04.160; 15.04.180; 15.04.200; 15.04.220; AND 15.04.300 OF THE TRINIDAD MUNICIPAL CODE, ALL RELATING TO THE UNIFORM BUILDING CODES

BE IT ORDAINED by the City Council of the City of Trinidad as follows:

Section 1. Section 15.04.010 of the Trinidad Municipal Code is amended to read as follows:

15.04.010 Uniform Building Code and Uniform Building Code Standards – Adopted. The Uniform Building Code, 1997 edition, and the Uniform Building Code Standards, 1997 edition, promulgated by the International Conference of Building Officials, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and other structures is adopted and by this reference is incorporated herein with the same force and effect as though set out here in full. One copy of the reference codes is on file and open to public inspection in the office of the City Building Official.

Section 2. Section 15.04.060 of the Trinidad Municipal Code is amended to read as follows:

15.04.060 Section 106.2 amended – Work Exempt From Permits. Section 106.2 is amended to read as follows:

Section 106.2 Work Exempt From Permits. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the City or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Official except the following:

1. Fences up to six feet (6') and freestanding masonry walls up to thirty-six inches (36") in height.

2. Curbs, retaining walls and planter boxes up to eighteen inches (18") in height.

3. A small tool or storage cabinet with not more than 100 square feet of projected roof area. Multiple cabinets shall require approval. Lot line setbacks are to be observed.

4. Television and radio antennas supported on roofs.

5. Awnings projecting not more than six feet (6') attached to the exterior walls of buildings of Group R-3 or M occupancy.

6. Standard electrolier not over thirty five feet (35') in height above finish grade.

7. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over two thousand dollars ($2,000.00) in valuation in any twelve (12) month period and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically excepted from permit requirements without limit to valuation are:

   a. Painting and decorating.
   b. Installation of floor covering.
   c. Cabinet work.

8. Temporary structures built in conjunction with special events.

This section shall not be construed to require separate building permits for a dwelling and accessory buildings or structures on the same property which are described in the building permit application, plot plan and other drawings.

Section 3. Section 15.04.100 of the Trinidad Municipal Code is amended to read as follows:

<u>Section 15.04.100 Uniform Mechanical Code – Adopted</u>. The Uniform Mechanical Code, 1997 edition, promulgated by the International Conference of Building Officials, which regulates the erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilating, comfort cooling refrigeration systems, incinerators or other heat producing appliances in buildings and other structures, is adopted, including Appendix A and B, and by this reference is made a part of this chapter with the same force and effect as though set out here in full. One copy of said volume of the Uniform Mechanical Code is on file and open to public inspection in the office of the City Building Official.

Section 4. Section 15.04.120 of the Trinidad Municipal Code is amended to read as follows:

15.04.120 Uniform Housing Code – Adopted. The Uniform Housing Code, 1997 edition, promulgated by the International Conference of Building Officials, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. One copy of said volume of the code is on file and open to public inspection in the office of the City Building Official.

Section 5. Section 15.04.140 of the Trinidad Municipal Code is amended to read as follows:

15.04.140 Uniform Code for the Abatement of Dangerous Buildings – Adopted. The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, promulgated by the International Conference of Building Officials, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. One copy of said volume of the code is on file and open to public inspection in the office of the City Building Official.

Section 6. Section 15.04.160 of the Trinidad Municipal Code is amended to read as follows:

15.04.160 Uniform Fire Code – Adopted. The Uniform Fire Code and the Uniform Fire Code Standards, 1997 editions, promulgated by the International Conference of Building Officials, are adopted and by this reference are made a part of this chapter with the same force and effect as though set out here in full. One copy of said volume of the code is on file and open to public inspection in the office of the City Building Official.

Section 7. Section 15.04.180 of the Trinidad Municipal Code is amended to read as follows:

15.04.180 Uniform Plumbing Code – Adopted. The Uniform Plumbing Code, 1997 edition, promulgated by the International Conference of Plumbing and Mechanical Officials, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. One copy of said volume of the code is on file and open to public inspection in the office of the City Building Official.

Section 8. Section 15.04.200 of the Trinidad Municipal Code is amended to read as follows:

15.04.200 National Electric Code – Adopted. The National Electric Code, 1996 edition, promulgated by the National Fire Protection Association, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. One

ORDINANCE NO. 96-3

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTIONS 15.04.010; 15.04.100; 15.04.120; 15.04.140; 15.04.160; 15.04.180; 15.04.200; AND 15.04.220 OF THE MUNICIPAL CODE AND ADDING SECTION 15.04.300 TO THE MUNICIPAL CODE ALL RELATING TO THE UNIFORM BUILDING CODES

BE IT ORDAINED by the City Council of the City of Trinidad as follows:

Section 1. Section 15.04.010 of the Trinidad Municipal Code is amended to read as follows:

> 15.04.010 Uniform Building Code and Uniform Building Code Standards - Adopted. The Uniform Building Code, 1994 edition, and the Uniform Building Code Standards, 1994 edition, promulgated by the International Conference of Building Officials, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and other structures is adopted and by this reference is incorporated herein with the same force and effect as though set out here in full. Three copies of the reference codes are on file and open to public inspection in the office of the City Clerk.

Section 2. Section 15.04.100 of the Trinidad Municipal Code is amended to read as follows:

> 15.04.100 Uniform Mechanical Code - Adopted. The Uniform Mechanical Code, 1994 edition, promulgated by the International Conference of Building Officials, which regulates the erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilating, comfort cooling refrigeration systems, incinerators or other heat producing appliances in buildings and other structures, is adopted, including Appendix A and B, and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the Uniform Mechanical Code are on file and open to public inspection in the office of the City Clerk.

Section 3. Section 15.04.120 of the Trinidad Municipal Code is amended to read as follows:

15.04.120 Uniform Housing Code - Adopted. The Uniform Housing Code, 1994 edition, promulgated by the International Conference of Building Officials, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the City Clerk.

Section 4. Section 15.04.140 of the Trinidad Municipal Code is amended to read as follows:

15.04.140 Uniform Code for the Abatement of Dangerous Buildings - Adopted. The Uniform Code for the Abatement of Dangerous Buildings, 1994 edition, promulgated by the International Conference of Building Officials, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the City Clerk.

Section 5. Section 15.04.160 of the Trinidad Municipal Code is amended to read as follows:

15.04.160 Uniform Fire Code - Adopted. The Uniform Fire Code and The Uniform Fire Code Standards, 1994 editions, promulgated by the International Conference of Building Officials, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the City Clerk.

Section 6. Section 15.04.180 of the Trinidad Municipal Code is amended to read as follows:

15.04.180 Uniform Plumbing Code - Adopted. The Uniform Plumbing Code, 1994 edition, promulgated by the International Association of Plumbing and Mechanical Officials, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the City Clerk.

Section 7. Section 15.04.200 of the Trinidad Municipal Code is amended to read as follows:

15.04.200 National Electrical Code - Adopted. The National Electric Code, 1993 edition, promulgated by the National Fire Protection Association, is adopted and by

this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the City Clerk.

Section 8. Section 15.04.220 of the Trinidad Municipal Code is amended to read as follows:

Section 15.04.220 Uniform Administrative Code - Adopted. The Uniform Administrative Code, 1994 edition, promulgated by the International Conference of Building Officials, is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the City Clerk.

Section 9. Section 15.04.300 is added to the Municipal Code as follows:

15.04.300 Title 24, California Standards, Commission Administrative Regulations.
Title 24, of the California Code of Regulations is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the City Clerk.

Section 10. Section 15.04.040 is amended to read as follows:

15.04.040 Section 108 amended - Inspections. Section 108 of the Building code is amended by adding the subsections 108.9 and 108.10 to read:

108.9 Authority to Require Exposure of Work. Whenever any work on which called inspections are required by this code is covered or concealed by additional work without first having been inspected, the Building Official may require, by written notice, that such work shall be exposed for examination. The work of exposing and recovering shall not entail expense to the City.

108.10 Authority to Stop Use or Occupancy. Whenever any portion of a building is loaded in excess of the loading for which it was constructed or whenever it houses an occupancy other than that for which it was constructed or whenever there is an encroachment upon any required court or yard, the Building Official

shall order, by written notice, that such violation be discontinued.

The written notice shall state the nature of the violations and shall fix the time for the abatement thereof. If the violations have not been abated by the expiration of the fixed time, the certificate of occupancy shall thereupon be null and void.

Section 11. Section 15.04.050 is amended to read as follows:

15.04.050 Section 105 amended - Board of Appeals. Section 105 of the Building Code is amended to read:

Section 105. Board of Appeals: In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of two (2) members who are qualified by experience and training to pass upon matters pertaining to building construction and one (1) lay member. The Building Official shall be an ex officio member and shall act as Secretary of the Board. The Board of Appeals shall be appointed by the governing body at such time as business comes before it and its members so appointed shall hold office at the pleasure of the City Council. The Board shall adopt reasonable rules and regulations for conducting its investigations. The Board shall render its decision and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the governing body such new legislation as is consistent therewith. If the City Council takes no action on the appeal within sixty (60) days the decision of the Board of Appeals shall be deemed affirmed.

Section 12. Section 15.04.060 is amended to read as follows:

15.04.060 Section 106.2 amended - Work Exempt From Permits. Section 106.2 is amended to read as follows:

Section 106.2. Work Exempt From Permits. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the City or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Official except the following:

1. Fences up to six feet (6') and freestanding masonry walls up to thirty-six inches (36") in height.

2. Curbs, retaining walls and planter boxes up to eighteen inches (18") in height.

3. A small tool or storage cabinet with not more than 100 square feet of projected roof area. Multiple cabinets shall require approval. Lot line setbacks are to be observed.

4. Television and radio antennas supported on roofs.

5. Awnings projecting not more than six feet (6') attached to the exterior walls of buildings of Group R-3 or M occupancy.

6. Standard electrolier not over thirty-five feet (35') in height above finish grade.

7. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over two thousand dollars ($2,000.00) in valuation in any twelve (12) month period and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically excepted from permit requirements without limit to valuation are:

a. Painting and decorating.
b. Installation of floor covering.
c. Cabinet work.
d. Re-roofing.

8. Temporary structures built in conjunction with special events.

This section shall not be construed to require separate building permits for a dwelling and accessory buildings or structures on the same property which are described in the building permit application, plot plan and other drawings.

Section 13. Section 15.04.070 is amended to read as follows:

<u>15.04.070 Section 106 amended - Building Permits</u>. Subsection 106.5 is amended to read as follows:

Section 106.5 (a) Review. The application, plans and

specifications filed by an applicant for a permit shall be checked by the Building Official. If, in the opinion of the Building Official, it is necessary for the City Engineer to check the plans for technical compliance, he shall forward the plans to that official.

(b) Design Assistance Committee. The applicant shall provide the Design Assistance Committee (DAC) with a set of plans including the following: 1, a site plan including landscaping; 2, a floor plan; 3, building elevations; and, 4, a grading plan showing existing and proposed topography. Upon determination that the application is complete the DAC shall schedule a public hearing for consideration of the permit request. At the public hearing, occurring more than ten (10) days from the date of application at its next regularly scheduled meeting, any person interested in the proposal shall be heard. Failure of the DAC to act within ninety (90) days of the first hearing shall be deemed to be approval of the application on the ninetieth day. The applicant may waive the time limitation, in writing, if additional time is needed to consider the application. The DAC shall either approve, conditionally approve, or deny the permit application based upon findings of compliance with the Trinidad General Plan, zoning ordinance, and all other pertinent laws and ordinances. The Planning Commission shall receive a written report of the DAC findings.

(c) Public Notice. For public hearings held pursuant to the ordinance codified in this chapter, the following notification method shall be required:

1. The applicant shall furnish to the City Clerk one stamped envelope addressed to the owner of each parcel within 100 feet from each boundary of the subject property. The envelopes may be addressed to the "owner" at the mailing address of the parcel. The applicant shall ascertain the name and address of the owner from the records of the County Assessor. The City Clerk shall use the envelopes to mail notice of the time, place and purpose of the hearing at least ten (10) working days before the date of the hearing. The notice shall include a copy of the application showing the file number, the date, time and place at which the application will be heard, and an explanation of the general procedure of the City concerning hearings and action on applications. In addition to mailing notice to all those for who envelopes have been provided, the City Clerk shall provide notice to the applicant and to all persons

known or thought by the Clerk to have a particular interest in the application, including the Coastal Commission. The applicant shall also be responsible for the notification of those persons residing within 100' of the proposed development parcel at least ten (10) working days prior to the hearing date.

2. At the time the application is submitted to the City Clerk the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the subject property, notice that an application has been submitted to the City. the City shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to so post the completed notice form and sign the declaration of posting no less than ten (10) working days prior to the hearing, or if it is determined that the application is incomplete, the City Clerk shall withdraw the application from consideration and shall not mail out the hearing notices.

3. For actions initiated by the Design Assistance Committee (DAC) or City Council, the City Clerk shall provide notice as prescribed above and shall publish in a newspaper of general circulation in the City, at least ten (10) working days prior to the hearing, one notice of the time, place and purpose of the public hearing; provided however that if the size of the subject area would require mailing notice to more than 50 property owners such notice may be inserted in the water bill mailing. The City Clerk shall place in the file a written declaration of the means of notification used and certification of the date notification was mailed, posted or published. Other means of publication, in addition to that required herein, may be used by the DAC if deemed advisable.

(d) Appeal To City Council. An action by the Design Assistance Committee and/or the Building Official, pursuant to the ordinance codified in this chapter, may be appealed to the City Council. The City Council shall schedule a public hearing at the next regular monthly meeting occurring at least fifteen (15) working days after the appeal is received by the City Clerk. This hearing shall be noticed as per this section. The City Council shall either sustain, modify or reject the prior action within seven calendar days of the appeal hearing. Action by the City Council shall be final except where the subject property is located within the area where coastal development permits may be appealed to the State Coastal Commission.

(e) Coastal Development Permit. A coastal development permit as defined in the Coastal Act of 1976, shall be deemed to have been issued by the City upon the granting of a building permit if such action is not appealed. The granting of the permit shall become effective ten (10) working days after approval and adoption of findings, unless an appeal is filed to the California Coastal Commission pursuant to Section 30603 of the Coastal Act. All local appeals must first be exhausted. If a valid appeal is filed, the City approval shall be of no force and effect until the appeal has been decided by the Coastal Commission. Within five (5) working days of receipt of notice from the Coastal Commission of the filing of a valid appeal, the City Clerk shall deliver to the Commission staff all relevant documents and materials used by the Design Assistance Committee, the Building Official and the City Council in their deliberations.

(f) Permit Issuance. The Building Official shall issue the building permit after approval of the permit application by the Design Assistance Committee and after the plans and specifications have been approved by both the Building Official and the City Engineer, if the City Engineer's review is requested. When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "Approved". Such approved plans and specifications from the Building Official, and all work shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

(g) Retention Of Plans. One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than ninety (90) days from the date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

(h) Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed

to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinance of the City.

(i) Expiration. Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 120 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommended a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceed one year.

(j) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

Section 14. Section 15.04.080 is amended to read as follows:

<u>15.04.080 Section 107.3 amended - Plan Review Fees</u>.

The following is added to Section 107.3 Plan Checking Fees:

When the Building Official determines that the degree of hazard posed or that the nature of the construction or work requires a degree of specialized knowledge, skill or experience beyond that possessed by any regular employee of the City, the Building Official may employ a consultant or consultants. Prior to the employment of such a consultant the Building Official shall notify the applicant for the

building permit in writing of such an intention advising him of the time and place where the applicant may appear and show cause why such a consultant should not be employed. The owner or his agent shall pay to the City all direct or indirect costs of such consultants and shall maintain a cash deposit with the City at all times in a sufficient amount for the purpose of paying such costs.

Section 15.

This ordinance shall become effective thirty (30) days after its passage.

Passed, approved, and adopted this th day of , 199 by the following vote:

AYES: ODOM, SAUNDERS, GLOBUS, GOLLEDGE ROTWEIN
NOES: 0
ABSENT: EMERSON

ATTEST:

City Clerk
City of Trinidad

APPROVED:

Mayor
City of Trinidad

# Title 15

## BUILDINGS AND CONSTRUCTION

Chapters:


15.04 Buildings and Construction
15.08 Enforcement of Building and Zoning Regulations
15.12 Developments in Geologic Hazard Areas
15.16 Grading
15.20 House Numbering


## Chapter 15.04

## BUILDINGS AND CONSTRUCTION

Sections:


15.04.010 Uniform Building Code and Uniform Building Code Standards--Adopted.
15.04.020 References to building codes.
15.04.030 Amendments to Uniform Building Code.
15.04.040 Section 202 of the UBC amended--Exposure of work.
15.04.050 Section 204 of the UBC amended--Board of appeals.
15.04.060 Section 301(a) of the UBC amended--Permits required.
15.04.070 Section 302 of the UBC amended--Building permits.
15.04.080 Section 304(b) of the UBC amended--Plan checking fees.
15.04.090 Section 4401.1 of the UBC added--Encroachment permits.
15.04.100 Uniform Mechanical Code--Adopted.
15.04.110 References to mechanical code.
15.04.120 Uniform Housing Code--Adopted.
15.04.130 References to housing code.
15.04.140 Uniform Code for the Abatement of Dangerous Buildings--Adopted.
15.04.150 References to abatement code.
15.04.160 Uniform Fire Code--Adopted.
15.04.170 References to fire code.
15.04.180 Uniform Plumbing Code--Adopted.
15.04.190 References to plumbing code.
15.04.200 Uniform Sign Code--Adopted.
15.04.210 References to sign code.
15.04.220 National Electrical Code--Adopted.
15.04.230 References to electrical code.

15.04.240 Uniform Administrative Code--Adopted.
15.04.250 References to administrative code.
15.04.260 Fees.
15.04.270 Effect on existing proceedings.
15.04.280 Violation--Penalties.

15.04.010 Uniform Building Code and Uniform Building Code Standards--Adopted. The Uniform Building Code, 1979 edition, and the Uniform Building Code Standards, 1979 edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and other structures is adopted and by this reference is incorporated herein with the same force and effect as though set out here in full. Three copies of the reference codes are on file and open to public inspection in the office of the city clerk. (Ord. 165 §1, 1979)

15.04.020 References to building codes. Whenever in this chapter or any ordinance of this city the phrases "Uniform Building Code" or "building code" appear, such phrases shall be deemed and construed to refer and apply to the building code as adopted and amended by the ordinance codified in this chapter. (Ord. 165 §1-1.0, 1979)

15.04.030 Amendments to Uniform Building Code. The Uniform Building Code is amended by adding, amending or deleting the designated chapter, sections and portions of sections in Sections 15.04.040 through 15.04.090. (Ord. 165 §1-2.0, 1979)

15.04.040 Section 202 amended--Exposure of work. Section 202 of the building code is amended by adding the subsections (i) and (j) to read:

(i) Authority to Require Exposure of Work. Whenever any work on which called inspections are required by this code is covered or concealed by additional work without first having been inspected, the Building Official may require, by written notice, that such work shall be exposed for examination. The work of exposing and recovering shall not entail expense to the City.

(j) Authority to Stop Use or Occupancy. Whenever any portion of a building is loaded in excess of the loading for which it was constructed or whenever it houses an occupancy other than that for which it was constructed or whenever there is an encroachment upon any required court or yard, the Building Official shall

order, by written notice, that such violation be discontinued.

The written notice shall state the nature of the violations and shall fix the time for the abatement thereof. If the violations have not been abated by the expiration of the fixed time, the certificate of occupancy shall thereupon be null and void.
(Ord. 165 §1-2.01, 1979)

15.04.050 Section 204 amended--Board of appeals. Section 204 of the building code is amended to read:

Section 204. BOARD OF APPEALS: In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of two (2) members who are qualified by experience and training to pass upon matters pertaining to building construction and one (1) lay member. The Building Official shall be an ex officio member and shall act as Secretary of the Board. The Board of Appeals shall be appointed by the Governing Body and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations. The Board shall render its decision and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the Governing Body such new legislation as is consistent therewith. A decision of the Board of Appeals cannot be appealed to the City Council.
(Ord. 165 §1-2.02, 1979)

15.04.060 Section 301(a) amended--Permits required. Section 301(a) is amended to read as follows:

Section 301(a). PERMITS REQUIRED. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the City or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Building Official except the following:

1. Fences up to six feet (6') and freestanding masonry walls up to thirty-six inches (36") in height.

2. Curbs, retaining walls and planter boxes up to eighteen inches (18") in height.

3. A small tool or storage cabinet with not more than 100 square feet of projected roof area. Multiple cabinets shall require approval. Lot line setbacks are to be observed.

4. Television and radio antennas supported on roofs.

5. Awnings projecting not more than six feet (6') attached to the exterior walls of buildings of Group R-3 or M occupancy.

6. Standard electrolier not over thirty-five feet (35') in height above finish grade.

7. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over two thousand dollars ($2,000.00) in valuation in any twelve (12) month period and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically excepted from permit requirements without limit to valuation are:

a. Painting and decorating.

b. Installation of floor covering.

c. Cabinet work.

d. Re-roofing.

8. Temporary structures built in conjunction with special events.

This section shall not be construed to require separate building permits for a dwelling and accessory buildings or structures on the same property which are described in the building permit application, plot plan and other drawings.

(Ord. 165 §1-2.03, 1979)

15.04.070 Section 302 amended--Building permits. Section 302 is amended to read as follows:

Section 302. (a) REVIEW. The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Official. If, in the opinion of the Building Official, it is necessary for the

City Engineer to check the plans for technical compliance, he shall forward the plans to that official.

(b) DESIGN ASSISTANCE COMMITTEE. The applicant shall provide the Design Assistance Committee (DAC) with a set of plans including the following: 1, a site plan including landscaping; 2, a floor plan; 3, building elevations; and, 4, a grading plan showing existing and proposed topography. Upon submittal of the application and necessary plans the D.A.C. shall schedule a public hearing for consideration of the permit request. At the public hearing, occurring more than ten (10) days from the date of application at its next regularly scheduled meeting, any person interested in the proposal shall be heard. Failure of the D.A.C. to act within ninety (90) days of the first hearing shall be deemed to be approval of the application on the ninetieth day. The applicant may waive the time limitation, in writing, if additional time is needed to consider the application. The D.A.C. shall either approve, conditionally approve, or deny the permit application based upon findings of compliance with the Trinidad General Plan, zoning Ordinance, and all other pertinent laws and ordinances. The Planning Commission shall receive a written report of the D.A.C. findings.

(c) PUBLIC NOTICE. For public hearings held pursuant to the ordinance codified in this chapter, the following notification method shall be required:

1. The applicant shall furnish to the City Clerk one stamped envelope addressed to the owner of each parcel within 100 feet from each boundary of the subject property. The envelopes may be addressed to the "owner" at the mailing address the parcel. The applicant shall ascertain the name and address of the owner from the records of the County Assessor. The City Clerk shall use the envelopes to mail notice of the time, place and purpose of the hearing at least 10 working days before the date of the hearing. The notice shall include a copy of the application showing the file number, the date, time and place at which the application will be heard, and an explanation of the general procedure of the City concerning hearings and action on applications. In addition to mailing notice to all those for who envelopes have been provided, the City Clerk shall provide notice to the applicant and to all persons known or thought by the clerk to have a particular interest in the application, including the Coastal Commission. The applicant shall also be responsible for the notification of those persons residing

within 100' of the proposed development parcel at least 10 working days prior to the hearing date.

2. At the time the application is submitted to the City Clerk the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the subject property, notice that an application has been submitted to the City. The City shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to so post the completed notice form and sign the declaration of posting no less than 10 working days prior to the hearing, or if it is determined that the application is incomplete, the City Clerk shall withdraw the application from consideration and shall not mail out the hearing notices.

3. For actions initiated by the Design Assistance Committee (DAC) or City Council, the City Clerk shall provide notice as prescribed above and shall publish in a newspaper of general circulation in the City, at least 10 working days prior to the hearing, one notice of the time, place and purpose of the public hearing; provided however that if the size of the subject area would require mailing notice to more than 50 property owners such notice may be inserted in the water bill mailing. The City Clerk shall place in the file a written declaration of the means of notification used and certification of the date notification was mailed, posted or published. Other means of publication, in addition to that required herein, may be used by the D.R.C. if deemed advisable.

(d) APPEAL TO CITY COUNCIL. An action by the Design Assistance Committee and/or the Building Official, pursuant to the ordinance codified in this chapter, may be appealed to the City Council. The City Council shall schedule a public hearing at the next regular monthly meeting occurring at least fifteen (15) working days after the appeal is received by the City Clerk. This hearing shall be noticed as per this section. The City Council shall either sustain, modify or reject the prior action within seven calendar days of the appeal hearing. Action by the City Council shall be final except where the subject property is located within the area where coastal development permits may be appealed to the State Coastal Commission.

(e) COASTAL DEVELOPMENT PERMIT. A coastal development permit as defined in the Coastal Act of 1976, shall be deemed to have been issued by the City upon the

granting of a building permit if such action is not appealed. The granting of the permit shall become effective ten working days after approval and adoption of findings, unless an appeal is filed to the California Coastal Commission pursuant to Section 30603 of the Coastal Act. All local appeals must first be exhausted. If a valid appeal is filed, the City approval shall be of no force and effect until the appeal has been decided by the Coastal Commission. Within five (5) working days of receipt of notice from the Coastal Commission of the filing of a valid appeal, the City Clerk shall deliver to the Commission staff all relevant documents and materials used by the Design Assistance Committee, the Building Official and the City Council in their deliberations.

(f) PERMIT ISSUANCE. The Building Official shall issue the building permit after approval of the permit application by the Design Assistance Committee and after the plans and specifications have been approved by both the Building Official and the City Engineer, if the City Engineer's review is requested. When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED". Such approved plans and specifications from the Building Official, and all work shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

(g) RETENTION OF PLANS. One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

(h) VALIDITY. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No

permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this Code or of any other ordinance of the city.

(i) EXPIRATION. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 120 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommended a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

(j) SUSPENSION OR REVOCATION. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code.
(Ord. 165 §1-2.04, 1979)

15.04.080 Section 304(b) amended--Plan checking fees. The following is added to Section 304(b) Plan Checking Fees:

When the Building Official determines that the degree of hazard posed or that the nature of the construction or work requires a degree of specialized knowledge, skill or experience beyond that possessed by any regular employee of the City, the Building Official may employ a consultant or consultants. Prior to the employment of such a consultant the Building Official shall notify the applicant for the building permit in writing of such an intention advising him of the time and place where the applicant may appear and show cause why such a consultant should not be employed. The owner or his agent shall pay to the City all direct or indirect costs of such consultants and shall maintain a

cash deposit with the City at all times in a sufficient amount for the purpose for paying such costs. (Ord. 165 §1-2.05, 1979)

15.04.090 Section 4401.1 added--Encroachment permits. Section 4401.1 is added to Chapter 44 of said Uniform Building Code to read as follows:

Section 4401.5. Encroachment Permits.

The City of Trinidad requires that an Encroachment Permit be obtained prior to performing work in or placing materials on a City right-of-way. (Ord. 165 §1-2.06, 1979)

15.04.100 Uniform Mechanical Code--Adopted. The Uniform Mechanical Code, 1979 edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 which regulates the erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilating, comfort cooling refrigeration systems, incinerators or other heat producing appliances in buildings and other structures, is adopted, including Appendix A and B, and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the Uniform Mechanical Code are on file and open to public inspection in the office of the city clerk. (Ord. 165 §2, 1979)

15.04.110 References to mechanical code. Whenever in this chapter or any ordinance of the city the phrases "Uniform Mechanical Code" or "mechanical code" appear, such phrases shall be deemed and construed to refer and apply to the "Uniform Mechanical Code, Volume Two, 1979 edition" as adopted and amended by this chapter. (Ord. 165 §2-1.0, 1979)

15.04.120 Uniform Housing Code--Adopted. The Uniform Housing Code, 1979 edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the city clerk. (Ord. 165 §3, 1979)

15.04.130 References to housing code. Whenever in this chapter or any ordinance of the city the phrases "Uniform Housing Code" or "housing code" appear, such phrases shall be deemed and construed to refer and apply to the

"Uniform Housing Code" as adopted by this chapter. (Ord. 165 §3-1.00, 1979)

15.04.140 Uniform Code for the Abatement of Dangerous Buildings--Adopted. The Uniform Code for the Abatement of Dangerous Buildings, 1979 edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the city clerk. (Ord. 165 §4, 1979)

15.04.150 References to abatement code. Whenever in this chapter or any ordinance of the city the phrases "Uniform Abatement Code" or "abatement code" appear, such phrases shall be deemed and construed to refer and apply to the "Uniform Code for Abatement of Dangerous Buildings" as adopted and amended by this chapter. (Ord. 165 §4-1.0, 1979)

15.04.160 Uniform Fire Code--Adopted. The Uniform Fire Code and The Uniform Fire Code Standards, 1979 editions, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the city clerk. (Ord. 165 §5, 1979)

15.04.170 References to fire code. Whenever in this chapter or any ordinance of the city the phrases "Uniform Fire Code" or "fire code" appear, such phrases shall be deemed and construed to refer and apply to the "Uniform Fire Code" as adopted and amended by this chapter. (Ord. 165 §5-1.0, 1979)

15.04.180 Uniform Plumbing Code--Adopted. The Uniform Plumbing Code, 1979 edition, promulgated by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032 is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the city clerk. (Ord. 165 §6, 1979)

15.04.190 References to plumbing code. Whenever in this chapter or any ordinance of the city the phrases "Uniform Plumbing Code" or "plumbing code" appear, such phrases

shall be deemed and construed to refer and apply to the "Uniform Plumbing Code" as adopted and amended by this chapter. (Ord. 165 §6-1.0, 1979)

15.04.200 Uniform Sign Code--Adopted. The Uniform Sign Code, 1979 edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the city clerk. (Ord. 165 §7, 1979)

15.04.210 References to sign code. Whenever in this chapter or any ordinance of the city the phrases "Uniform Sign Code" or "sign code" appear, such phrases shall be deemed and construed to refer and apply to the "Uniform Sign Code" as adopted and amended by this chapter. (Ord. 165 §7-1.0, 1979)

15.04.220 National Electrical Code--Adopted. The National Electric Code, 1978 edition, promulgated by the National Fire Protection Association, 60 Battery March Street, Boston, Massachusetts, 02110 is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the city clerk. (Ord. 165 §8, 1979)

15.04.230 References to electrical code. Whenever in this chapter or any ordinance of the city the phrases "National Electrical Code" or "electrical code" appear, such phrases shall be deemed and construed to refer and apply to the "National Electrical Code" as adopted and amended by this chapter. (Ord. 165 §8-1.0, 1979)

15.04.240 Uniform Administrative Code--Adopted. The Uniform Administrative Code, 1979 edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 is adopted and by this reference is made a part of this chapter with the same force and effect as though set out here in full. Three copies of said volume of the code are on file and open to public inspection in the office of the city clerk. (Ord. 165 §9, 1979)

15.04.250 References to administrative code. Whenever in this chapter or any ordinance of the city the phrase "administrative code" appears, such phrase shall be deemed and construed to refer and apply to the "Uniform

Administrative Code" as adopted and amended by this chapter. (Ord. 165 §9-1.0, 1979)

15.04.260 Fees. Fees for permits and inspection are to be required of any person when required by the appropriate adopted code. Any person required to obtain a permit or a combination of any such permits shall at the time of filing an application therefor pay to the city building inspector the fee set forth in the appropriate section of the particular code as adopted elsewhere in this chapter. No fees shall be required of the United States or of the state of California or of any special district of the county of Humboldt. (Ord. 165 §10-1.10, 1979)

15.04.270 Effect on existing proceedings. The amending or repealing provisions of this chapter shall not affect any proceeding, suit or prosecution had or commenced in any cause before such amendment or repeal shall take effect; but every such proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such ordinance or parts thereof so amended or repealed had remained in force. No offense committed and no liability, penalty or forfeitures, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be amended or repealed, shall be discharged by such amendment or repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such proper ordinance or part thereof had not been amended or repealed. (Ord. 165 §11, 1979)

15.04.280 Violation--Penalties. No person shall violate any provision, or fail to comply with any of the requirements of this chapter and/or the secondary codes adopted herein. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of said codes shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under any of the provisions of this code, unless provision is otherwise herein made, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued, or permitted by such person and shall be punishable accordingly. (Ord. 165 §12, 1979)

# Chapter 15.08

## ENFORCEMENT OF BUILDING AND ZONING REGULATIONS

Sections:

15.08.010 Purpose and scope.
15.08.020 Definitions.
15.08.030 Enforcement procedure.
15.08.040 Notice--Violation.
15.08.050 Notice--Service.
15.08.060 Notice--Contents.
15.08.070 Stop work order--Enjoinment.
15.08.080 Inspection--Continued violation.
15.08.090 Second notice--Failure to comply--Action by city attorney.
15.08.100 Hearing.
15.08.110 Result of findings of hearings.
15.80.120 Failure to comply--Remedies.

15.08.010 Purpose and scope. The procedure for enforcement of zoning and building regulations provided herein shall not be exclusive, but shall be cumulative and in addition to any other procedures provided by the laws of the state, or the ordinances of the city. (Ord. 174 §1, 1981)

15.08.020 Definitions. For the purposes of this chapter:

"Beneficial owner" means any mortgagee of record; a beneficiary under a recorded deed of trust; the owner or holder of any lease of record; provided, however, that the United States, the state of California, and the county of Humboldt shall not be deemed to be beneficial owners by virtue of any lien for unpaid taxes.

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

"Enforcement official" means any officer or department head of the the city charged with the duty of enforcing ordinances of the city, or laws of the state.

"Occupier" means the person occupying or otherwise in real or apparent charge and control of the premises affected.

"Owner" means the owner of record of the premises affected.

"Violation" is defined to be any condition not in conformance with any statute of the state or ordinance of the city with regard to zoning regulations and Uniform Building Codes. (Ord. 174 §§2, 3, 1981)

15.08.030 Enforcement procedure. A. In the event a zoning or building violation is observed, a written complaint shall be filed with the city clerk.

B. The complaint shall be forwarded to the building inspector who shall conduct a field inspection to determine the validity of the claim.

C. If necessary, the building inspector shall contact the city attorney to obtain a search warrant so that the inspection can be conducted.

D. In the event the violation is confirmed by the inspection, notice shall be served in accordance with the provisions of this chapter. (Ord. 174 §4, 1981)

15.08.040 Notice--Violation. Upon the determination of the violation by the building inspector or other enforcement official, the enforcement official shall prepare a notice of violation, and shall cause copies of the notice of violation to be served on the property owner, the city attorney, the city clerk, the city planner, the inspection file, the planning commission and the California Coastal Commission as provided in Section 15.08.050. (Ord. 174 §6, 1981)

15.08.050 Notice--Service. Any notice required to be given by the provisions of this chapter shall be deemed to have been given when:

A. A copy of the notice is either served personally or has been deposited in the mail, postage prepaid, certified, return receipt requested, to every owner, occupier and beneficial owner of the premises affected, addressed to such person at his last known place of address. The failure of the enforcement official to make or attempt to make such service on any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served. If no address can be found or is known to the enforcement official, then any notice shall be so mailed to such person at the address of the premises affected by the proceedings. The failure of any person to receive such notice shall not affect the validity of any proceedings taken hereunder.

B. A copy of the notice is prominently and conspicuously affixed to the premises affected by the proceedings herein. (Ord. 174 §5, 1981)

15.08.060 Notice--Contents. The notice of violation shall contain the following:

A. A street address, legal description, or other description sufficient to identify the premises affected;

B. A description of the condition in violation of building and/or zoning regulations;

C. A statement of the preferred method of correction;

D. An order to correct the violation within thirty days;

E. Notice that the owner may request a formal hearing to contest the notice of violation and ordered correction;

F. Notice that failure to make correction will result in action by the city. (Ord. 174 §7, 1981)

15.08.070 Stop work order--Enjoinment. If, in the opinion of the building inspector, the violation is a public nuisance or is of a substantial nature requiring immediate cessation, a stop work order shall be issued for building violations; or the city attorney shall be instructed to take immediate action to enjoin the zoning violation. (Ord. 174 §8, 1981)

15.08.080 Inspection--Continued violation. Upon expiration of the deadline for correction of the violation, and lacking response from the owners of the property, the building inspector shall conduct a second field inspection to determine whether the violation has been corrected. The city attorney may be contacted to obtain a search warrant for the inspection, if necessary. The building inspector shall report in writing to the city attorney informing him of the status of the violation of the correction. (Ord. 174 §9, 1981)

15.08.090 Second notice--Failure to comply--Action by city attorney. Upon notification by the building inspector that appropriate correction of the violation has not occurred within the allotted time for compliance, the city attorney shall:

A. Send to the owner of the property a second notice of violation, by certified mail, stating:

1. Items as set forth in initial notice;

2. Specific consequences to the owner if he/she fails to take action by either correcting the violation or requesting a formal hearing.

B. In the event the property owner fails to take action as above said, the city attorney shall notify the planning commission of the city to add the violation as an agenda item at the next regularly scheduled planning commission meeting. The attorney shall also prepare a written report and recommendation for consideration by the planning commission at that meeting.

C. In the event the property owner requests formal hearing, the city attorney shall notify the planning commission of the city to add it to the agenda of its next regularly scheduled meeting to set a date for the formal hearing. The city attorney shall present the case for the city at the hearing.

D. In the event the planning commission hearing results in findings against the property owner and the

property owner refuses to comply with the findings of the planning commission, the planning commission shall notify, in writing, the city council of the result of the hearing process. The planning commission report may recommend to the city council that they direct the city attorney to commence legal proceedings against the property owner. (Ord. 174 §10, 1981)

15.08.100 Hearing. Upon review and consideration of an agenda item regarding the alleged violation of the building code or the zoning ordinances of the city, the planning commission may:

A. Elect not to pursue the violation;

B. Establish a hearing date allowing the property owner reasonable time to prepare his case, and cause notice of the hearing to be sent to the violator;

C. The planning commission may grant one continuance to the property owner for preparation of his/her case upon showing good cause;

D. The planning commission shall convene fully noticed hearings regarding alleged violations for the purposes of considering evidence and testimony of parties to the dispute and shall make a determination on the alleged violation. Such proceedings need not be governed by rules of evidence:

1. Such hearings shall be open to the general public,

2. Minutes of such hearings shall be kept. (Ord. 174 §11, 1981)

15.08.110 Result of findings of hearings. After making its findings at such hearing, the planning commission shall:

A. Elect to drop the matter;

B. Impose one or more of the available sanctions against the property owner as provided by ordinance;

C. Grant a variance to correct the violation. (Ord. 174 §12, 1981)

15.08.120 Failure to comply--Remedies. In the event the property owner fails to comply with the sanctions imposed as the result of any adverse ruling by the planning commission, the planning commission may, at its discretion:

A. Elect to drop the matter;

B. Recommend to the city council that they direct the city attorney to commence legal proceedings against the property owner. (Ord. 174 §13, 1981)

# Chapter 15.12

## DEVELOPMENTS IN GEOLOGIC HAZARD AREAS

Sections:


15.12.010 Purpose--Contents.
15.12.020 Authority.
15.12.030 Local adoption.
15.12.040 References to reports and waivers.
15.12.050 Maps.
15.12.060 Definitions.
15.12.070 General applicability.
15.12.080 Conversion to human occupancy.
15.12.090 Applicable permits.
15.12.100 Provisions not exclusive.
15.12.110 Exceptions.
15.12.120 Geologist--Retention.
15.12.130 Geologist--Duties.
15.12.140 Geologist--Duties--Limitations.
15.12.150 Geologist--Conflict of interest.
15.12.160 Reports--Generally.
15.12.170 Report--Basis of investigation.
15.12.180 Report--Contents.
15.12.190 Report--Review checklist.
15.12.200 Waivers--Generally.
15.12.210 Waivers--Request.
15.12.220 Waivers--Review.
15.12.230 Reports and waivers--Concurrent projects--Disposition.
15.12.240 Reports and waivers--Applications--Acceptances.
15.12.250 Project review and approval.
15.12.260 Construction restrictions--Fault lines.
15.12.270 Construction restrictions--Inclusion of report recommendations.
15.12.280 Subsurface exploration.
15.12.290 Maps.
15.12.300 Disclosure.
15.12.310 Fees--Generally.
15.12.320 Fees--Cost--Basis of fees.
15.12.330 Fees--Payment.
15.12.340 Fees--Costs revision.
15.12.350 Appeals--Period.
15.12.360 Appeals--Procedure.


15.12.010 Purpose--Contents. A. The purpose of this chapter is to protect the health, safety and welfare of the residents of Trinidad by minimizing the risk of carrying out development in areas subject to specific geologic hazards.

B. This chapter addresses geologic reporting requirements, development limitations, exemptions and project review procedures to satisfy the mandated provisions of the Act. (Ord. 86-185 §§1.01, 2.01, 1986)

15.12.020 Authority. The city's authority to regulate such development is contained in Public Resources Code Section 2621 et seq., the Alquist-Priolo Special Studies Zone Act of 1972, as amended, hereinafter referred to as "the Act," and is incorporated by reference in this chapter. (Ord. 86-185 §1.02, 1986)

15.12.030 Local adoption. Provisions of the Act provide for local agency adoption of ordinances and other such implementation measures as are necessary to carry out the Act. This chapter intends to accomplish this for land within the jurisdiction of the city. (Ord. 86-185 §1.03, 1986)

15.12.040 References to reports and waivers. Special Study Zone Reports are described in Sections 5.12.160 through 5.12.190 and are hereinafter referred to as "reports." Waivers to such reports are described in Sections 5.12.200 through 5.12.220 and are hereinafter referred to as "waiver(s)." (Ord. 86-185 §2.02, 1986)

15.12.050 Maps. A. This chapter includes the maps, developed by the state, that establish the special study zones and show areas of active fault traces.

B. Maps to be prepared for the Trinidad general plan and showing areas of fault rupture hazards are also declared to be part of this chapter by reference. (Ord. 86-185 §§2.03, 2.04, 1986)

15.12.060 Definitions. For the purposes of this chapter:

"Active fault" means a fault, as defined by the Act, that has had surface displacement within Holocene time (about the last eleven thousand years), hence constituting a potential hazard to structures that might be located across it. Also referred to as "known active fault."

"City geologist" means a geologist reviewing such reports on behalf of the city and is hereinafter referred to as the "city geologist."

"Consulting geologist" means a geologist preparing a report pursuant to this chapter and is hereinafter referred to as the "consulting geologist."

"Decision-making body" means the body making the decision on the project for which a report or waiver is required.

"Fault trace" means that line formed by the intersection of a fault and the earth's surface, and is the rep-

resentation of a fault as depicted on a map, including maps of special study zones.

"Geologist" means a registered geologist, licensed by the state Board of Registration for Geologists and Geophysicists to practice geology in California.

"Known active fault," as defined by the Act, means faults which have been identified as being active during Holocene time (approximately the last eleven thousand years).

"Lead agency" means the city or county with the authority to approve projects.

"Official maps" means maps prepared by the state geologist to implement the Alquist-Priolo Special Studies Zone Act of 1972.

"Project" means any development subject to the provisions of this chapter.

"Recommending body" means the planning commission for those projects which required planning commission review and recommendation for council action (but are ultimately reviewed by the city council), and for which a report or waiver is required.

"Report" means a geologic report, prepared by a geologist registered in the state, and is directed to the problem of potential surface fault displacement.

"Shall, will, may" are mandatory and directory. "May" indicates permission, choice, or that a range of options could be exercised.

"Special study zones" means areas delineated by the state geologist, pursuant to the Act.

"Structure for human occupancy" any structure used or intended for supporting or sheltering any use or occupancy which is expected to have a human occupancy rate of more than two thousand person-hours per year.

"Waiver" means the waiver of the requirement that a report, pursuant to this chapter, be prepared, upon following the waiver application procedure described in this chapter, and upon approval of the state geologist. (Ord. 86-185 §3, 1986)

15.12.070 General applicability. These provisions shall apply to:

A. Any subdivision of land which is subject to the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, and which contemplates the eventual construction of structures for human occupancy.

B. Structures for human occupancy except as exempted under Section 5.12.110. (Ord. 86-185 §4.01, 1986)

15.12.080 Conversion to human occupancy. No change shall be permitted in the use or character of occupancy which results in the conversion of a building or structure

from one not intended for human occupancy to one which is so intended, unless the building or structure complies with provisions of the Act. Determination of such compliance shall be made in accordance with the provisions of this chapter. (Ord. 86-185 §4.02, 1986)

15.12.090 Applicable permits. These provisions shall also apply to applications for planned developments, conditional use permits, coastal development permits or building permits for any development or structures intended for human occupancy, except as provided in Section 5.12.110. (Ord. 86-185 §4.03(part), 1986)

15.12.100 Provisions not exclusive. This chapter is not intended to supplant the geologic investigations required by Chapter 70, Uniform Building Code, and those required by the Trinidad zoning and subdivision ordinances for the purpose of determining other geologic hazards. (Ord. 86-185 §4.03(part), 1986)

15.12.110 Exceptions. The provisions of this chapter do not apply to:

A. Structures not intended or used for human occupancy. A structure for human occupancy is a building, as defined by the Uniform Building Code, which is expected to have a human occupancy rate of more than two thousand person-hours per year;

B. A single-family wood-frame dwelling not exceeding two stories when such dwelling is not part of a development of four or more dwellings. For the purposes of this chapter, "single-family wood-frame dwelling not exceeding two stories" shall include mobile home whose body width exceeds eight feet;

C. Single-family wood-frame dwellings to be built on parcels of land for which geologic reports have been prepared pursuant to the provisions of this chapter;

D. Alterations, additions or repairs to an existing structure provided that aggregrate value of such work does not exceed fifty percent of the value of the existing structure and does not adversely affect the structural integrity of the structure. Value shall be determined as "replacement in kind" as defined in the Uniform Building Code;

E. 1. Swimming pools, decorative walls, fences, non-occupancy accessory uses and minor work of a similar nature. New improvements of this type shall not be included in the valuation totals described above in subsection D of this section,

2. "Minor work of a similar nature" shall be determined by agreement between the city planner and the city geologist,

F. The conversion of an existing apartment complex into a condominium;

G. Alterations or additions to any structure within a special studies zone the value of which does not exceed fifty percent of the value of the structure. (Ord. 87-193 §1(part), Exh. A(part), 1987; Ord. 86-185 §5, 1986)

15.12.120 Geologist--Retention. The city shall retain a geologist, as described herein, to review special study zone reports and waivers on a case-by-case basis, and to confer with other city staff on the the application of this chapter as set forth by provisions therein. (Ord. 86-185 §6.01, 1986)

15.12.130 Geologist--Duties. The city geologist shall be retained for the express purpose of meeting the city's responsibilities with respect to the Act pursuant to this chapter. (Ord. 86-185 §6.02, 1986)

15.12.140 Geologist--Duties--Limitations. Unless specifically retained to do so, the city geologist shall not be required to act as reviewing geologist for projects and geologic report requirements not subject to Alquist-Priolo Special Studies Zone review or pursuant to this chapter unless specifically retained to do so. (Ord. 87-193 §1(part), Exh. A(part), 1987; Ord. 86-185 §6.03(part), 1986)

15.12.150 Geologist--Conflict of interest. The fact that a particular geologist or geologic consulting firm is retained as the city geologist for review of Fault Hazard Study Zone Reports shall not, by itself, constitute a conflict of interest for that geologist or firm in preparing geologic reports outside the scope of this chapter and for a project and site other than that for which the geologist reviews a report on behalf of the city. (Ord. 86-185 §6.03(part), 1986)

15.12.160 Reports--Generally. A geologic report, directed to the problem of potential surface fault displacement, shall accompany all applications for development within a delineated special studies zone as shown on official maps unless such development is exempt or the report is waived pursuant to the provisions of this chapter. (Ord. 86-185 §7.01, 1986)

15.12.170 Report--Basis of investigation. The report shall be based on a geologic investigation designed to identify the location, recency and nature of faulting that may have affected the project site in the past and may affect the project site in the future. The report may be combined with other geologic or geotechnical reports. (Ord. 86-185 §7.02, 1986)

15.12.180 Report--Contents. A. Reports submitted for projects within an active fault zone shall contain evidence that items identified Appendix C, Fault-Rupture Hazard Zones in California, Special Publication #42 (or current equivalent) were considered. When one of these items is not found to be pertinent to a particular report, or not significant, the report shall present the rationale for such omission. The rationale may take the form of a brief statement, if appropriate. The city geologist and the consulting geologist should attempt to determine such items of nonpertinence and nonsignificance at the time they confer (pursuant to (o) PROCEDURE: 4.)

B. Changes to items identified Appendix C, Fault-Rupture Hazard Zones in California, Special Publication #42 may be made by the city geologist with the consent of the city planner and the city engineer. (Ord. 86-185 §7.03, 1986)

15.12.190 Report--Review checklist. A. The city should develop a checklist of items to be included in reports, pursuant to this chapter.

B. The purpose of the checklist is to identify those items, presented in Fault-Rupture Hazard Zones in California, Special Publication #42 (or current equivalent) for the preparation and review of reports.

C. The checklist should be prepared, and future revisions made, in consultation with the city geologist, and other city staff as possible. (Ord. 86-185 §7.04, 1986)

15.12.200 Waivers--Generally. A. Section 2623 of the Act states " . . . if the city . . . (having jurisdiction over the lands) finds that no undue (fault) hazard exists, the geologic Report on such hazard may be waived, with approval of the State Geologist."

B. A report may be waived following approval of a waiver application, pursuant to the provisions of this chapter. (Ord. 86-185 §8.01, 1986)

15.12.210 Waivers--Request. The property owner, in requesting such a waiver, shall complete, with the city geologist, the state waiver form; Appendix D; Fault-Rupture Hazard Zones in California, Special Publication #42 (or current equivalent). The waiver form shall be accompanied by supporting statements in writing that will justify approval of the waiver. (Ord. 86-185 §8.02, 1986)

15.12.220 Waivers--Review. Upon approval of the state geologist, the waiver shall be reviewed for adoption by the city decision-making body as set forth in Sections 5.12.230 through 5.12.250. (Ord. 86-185 §8.03, 1986)

15.12.230 Reports and waivers--Concurrent projects--Disposition. A. The review and adoption of a required report or waiver for a given project shall be conducted concurrently with other required review for that project whenever possible.

B. Reports shall be approved by the decision-making body prior to approval of a project requiring such a report pursuant to this chapter. Waivers, approved by the state geologist, shall be accepted by the decision-making body prior to approval of a project for which such waiver is prepared.

C. When the planning commission is the recommending body for a project, the planning commission shall make recommendations to the council as to the disposition of the report or waiver. Such recommendations shall be presented concurrently with the other planning commission recommendations and approvals required for that project.

D. The city shall not undertake to begin the following procedures or preparation of a waiver application until fees have been paid as provided for in Sections 5.12.310 through 5.12.340. (Ord. 86-185 §9.01, 1986)

15.12.240 Reports and waivers--Applications--Acceptances. Applications requiring a report or waiver will not be considered complete until the report or waiver has been accepted by the city geologist, or in the case of an appeal, by the decision-making body. (Ord. 86-185 §9.02, 1986)

15.12.250 Project review and approval. The following procedure shall be followed with respect to project review and approval:

A. The city planner, in consultation with the city geologist as necessary, shall determine if a proposed project is located within the special study zone or is exempt from report/waiver requirements as set forth in this chapter.

B. If a proposed project is subject to the provisions of this chapter, the city shall inform the applicant that a report or waiver is required. The city geologist shall determine if a waiver is appropriate.

C. The city shall provide a written estimate to the project applicant, from the city geologist, for the cost of the review and related expenses as described in Section 5.12.310 through 5.12.340; this section shall apply to review of a report as well as to the preparation and review of a waiver application.

D. Upon notice from the applicant that he/she is ready to contract with a consulting geologist, the consulting geologist and the city geologist shall meet and confer as to the scope and content of the report. The intent of this procedure is to clarify the issues specific to the site and

report and avoid preparation of a report unacceptable to the city geologist.

E. The city geologist shall review the report and make a recommendation to the planning commission regarding adoption of report (or waiver) and measures, recommended by the report, that mitigate fault-rupture hazards. The city geologist shall specify which of these measures, and/or other measures as the city geologist deems necessary, should be included as conditions of approval of the project.

F. The planning commission shall review the recommendation of the city geologist as to the adoption of the report and measures to be included as conditions of approval of the project.

G. The planning commission shall adopt the report (or recommend adoption of the report to the city council) prior to approval of the project (or recommendation to the council that the project be approved), as applicable.

H. In the event that the planning commission rejects the report, and such rejection is not in conjunction with disapproval of a project, the planning commission shall advise the applicant as to the repreparation or revision necessary for an acceptable report.

I. The city shall send a copy of the completed report to the state geologist within thirty days following the reports acceptance for the purpose of complying with Sections 15.12.260 through 15.12.300 of this chapter. (Ord. 86-185 §9.03, 1986)

15.12.260 Construction restrictions--Fault lines. Pursuant to the provisions of this chapter, and except as provided for in Section 15.12.110, no building permit shall be issued nor shall any structure to be used human occupancy be constructed over or within fifty feet of a known active fault or fault trace which is shown on official maps. No such construction shall be permitted within fifty feet of any fault trace unless it can be shown that the fault is not active or potentially active as defined by the Act or it can be shown in the report, to the satisfaction of the city geologist and the decision-making body, that a lesser setback can be accomplished safely. (Ord. 87-193 §1(part), Exh. A(part), 1987: Ord. 86-185 §10.01, 1986)

15.12.270 Construction restrictions--Inclusion of report recommendations. Construction activities will also incorporate the recommendations contained in the special studies zone report as recommended by the city geologist and adopted by the decision-making body. Such recommendations shall include provisions to mitigate such hazards as affect the particular project, including but not limited to ground ruptures, shaking, liquefaction, landslides or settlement due to seismic compaction. (Ord. 86-185 §10.02, 1986)

15.12.280 Subsurface exploration. The necessity of subsurface investigation shall be identified at the time the consulting geologist and the city geologist meet and confer as to the scope and content of the report as provided under Section 5.12.250(D) of this chapter. (Ord. 86-185 §10.03, 1986)

15.12.290 Maps. A. The city shall maintain, and make available to the public, maps showing the location of known active faults as these features are identified within the city limits and lands within its jurisdiction.

B. The city shall submit the following to the state geologist as such information becomes available: geologic investigations, mapping, aerial photographs or other acceptable data showing the presence, absence, or more precise location of a known active fault. The purpose of this measure is to more accurately assess, or confirm, the actual location of fault rupture hazards as investigations are made for projects. (Ord. 86-185 §10.04, 1986)

15.12.300 Disclosure. A person who is acting as an agent for a seller of real property which is located within a delineated special studies zone, or the seller if he or she is acting without an agent, shall disclose to any prospective purchaser the fact that the property is located within a delineated special studies zone. (Ord. 86-185 §10.05, 1986)

15.12.310 Fees--Generally. The city shall require the project applicant to pay all costs for the city geologist to review the report or waiver thereof. (Ord. 86-185 §11.01, 1986)

15.12.320 Fees--Cost--Basis of fees. These costs shall include, as applicable: review of the report or waiver by the city geologist, mailing fees, duplication costs, public notification expenses and long distance phone calls regarding the report. (Ord. 86-185 §11.02, 1986)

15.12.330 Fees--Payment. Applicant shall pay the full estimate at the time of project application submittal. Surplus funds shall be refunded after the appeal period is completed. (Ord. 86-185 §11.03, 1986)

15.12.340 Fees--Costs revision. In the event that costs exceed the estimate, the city shall advise the applicant as soon as a new estimate can be prepared. The balance shall be paid prior to project review by the decision-making body. (Ord. 86-185 §11.04, 1986)

15.12.350 Appeals--Period. A ten-day appeal period shall follow the decision of the decision-making body regarding the report or waiver. (Ord. 86-185 §12.01, 1986)

15.12.360 Appeals--Procedure. Any person aggrieved by the decision of any city official, agency, board or commission rendered pursuant to the Alquist-Priolo Act or this chapter may appeal such decision in accordance with Section 17.72.100. This procedure applies to a grievance by the applicant relating to the processing and/or city staff review of a report or waiver pursuant to this chapter. (Ord. 86-185 §12.02, 1986)

## Chapter 15.16

## GRADING

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15.16.010 Adoption. The city council declares that it is necessary to adopt this chapter to promote the public health and safety, and to protect the value of properties within the city. (Ord. 164 §1.0, 1980)

15.16.020 Purpose. A. The purpose of this chapter is to institute minimum excavation standards which will provide a means of meeting the goals of the California Coastal Act. The chapter will offer protection, maintenance, and, where feasible, enhancement and restoration of the overall quality of the coastal zone environment and its natural and manmade resources. The orderly and balanced utilization and conservation of coastal resources is of the utmost importance.

B. Reasonable development of the land is permitted, however maximum retention of ground cover, minimum alteration of land forms and sound engineering practices are necessary in order to provide protection against flooding, erosion, earth movement, siltation and the resultant property damages. The natural scenic characteristics of the city must also be preserved. (Ord. 164 §1.1, 1980)

15.16.030 Definitions. For the purposes of this chapter:

"Aggrieved person" means any person who, in person or through a representative, appears at a public hearing of the city in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informs the city of the nature of his concerns or who for good cause is unable to do either. "Aggrieved person" includes the applicant for a permit.

"Excavation" means any act by which earth, sand, gravel, rock or waste material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and the conditions resulting therefrom.

"Fill" means any act which earth, sand, gravel, rock or any other similar material is deposited, relocated, pulled or transported, and shall include the conditions resulting therefrom.

"Grading" means any excavating or filling or a combination thereof. (Ord. 170 §1, 1980; Ord. 164 §1.2, 1980)

15.16.040 Permit--Required when. No person shall grade, excavate or fill without a permit therefor from the

city if such grading, excavating, or filling will result in any of the following:

A. An excavation, fill, or combination thereof within the open space or special environment zones as provided in the zoning title, or outside of the stable area as indicated in the general plan. This does not include ground cover removal for road and trail maintenance purposes.

B. An excavation, fill or combination thereof in excess of either of the following criteria:

1. One thousand square feet of surface area, including the removal or ground cover; this does not include ground cover removal for agricultural or grading for road and trail maintenance purposes,

2. Fifty cubic yards of material;

C. An excavation or fill within a public sewer, water main, storm drain or power line easement;

D. An excavation or fill, which will encroach upon, or alter in any way, a drainage channel, tidal area, watercourse, floodplain or area subject to inundation. This does not include the maintenance of existing ditches. (Ord. 164 §1.3, 1980)

15.16.050 Separate permits for separate sites. A separate permit shall be required for each separate noncontiguous site. One permit may cover both an excavation and a fill on the same site. (Ord. 164 §1.31, 1980)

15.16.060 Permit--Application. In order to obtain a grading permit as required by this chapter, an applicant shall first supply the city clerk with the following information:

A. A written description of the land on which the proposed work is to be done and a description of the proposed project. This shall include, but not be limited to, the assessor's parcel number(s) and the purpose of the project;

B. A statement estimating the date for starting and completing the work;

C. The name of the permittee who shall be responsible for the quality of the work and for requesting the required inspections;

D. A legal description of the property on which the work is to be performed;

E. The name and address of the owner of the property on which the work is to be performed;

F. A description of the equipment and methods to be used in performing the work;

G. The name and address of any person(s) who are to receive excavated material or supply fill material, the name of the person who will haul these materials, and route to be traveled;

H. Plans and specifications including: a contour map having contour intervals of two feet showing the present and proposed contours of the land, lot lines, neighboring public ways, a description of the soil type and classification details and location of proposed and existing drainage structures and piping, benches, walls and cribbing, details, locations and species of planting, plans and schedules for all proposed screening, the location of all trees of over six inch dbh on the site, identifying those trees which will not be disturbed by the proposed grading, and other information that the city engineer may require in order to carry out the purposes of this chapter. All plans shall bear the name of the person responsible therefor and shall be submitted in quadruplicate. (Ord. 164 §1.32, 1980)

15.16.070 Permit--Issuance. A. If, in the opinion of the city engineer, the proposed grading will not adversely affect the drainage or lateral support of other properties in the area, and will not be detrimental to the public health, safety or the general welfare, or is not in conflict with the provisions of this chapter, the Trinidad zoning title and general plan, said official shall forward these findings and an approval recommendation to the planning commission.

B. The Trinidad design assistance committee shall make a recommendation to the planning commission as per Chapter 17.60 of the zoning title, prior to action by the planning commission on a grading permit proposal.

C. The planning commission shall schedule a public hearing, as per Section 15.16.150, after receiving a recommendation from the city engineer. The hearing shall be held no later than the next regularly scheduled planning commission meeting occuring at least fifteen working days after the issuance of the city engineer's recommendations.

D. The planning commission shall either approve, conditionally approve or deny an application for a grading permit, after the close of the public hearing, based upon the staff recommendations, both written and oral public testimony, and a finding of conformance with the Trinidad general plan and this title and all city ordinances. Work shall not begin and the grading and coastal development permit (Section 15.16.100) shall not be issued until the ten working day appeal period has elapsed. (Ord. 164 §1.6, 1980)

15.16.080 Permit--Conditions. In granting any permit, the planning commission may make such conditions in connection therewith as will, in their opinion, secure substantially the objectives of this chapter. All work will be performed under the provisions of the state contractor's license provisions contained in Chapter 9, Division 3 of the Business and Professions Code of the State. Such conditions

shall include, but shall not be limited to:

A. Limitations on the hours of operation or the period of year in which work may be performed;

B. Restrictions as to the size and type of equipment;

C. Designation of routes upon which materials may be transported;

D. The place and manner of disposal of excavated materials;

E. Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public or any portion thereof;

F. Designation of maximum or minimum slopes to be used if they vary from those prescribed in this chapter;

G. Regulations as to the use of public streets and places in the course of the work;

H. Regulations as to the degree of compaction of fill material;

I. Requirements as to paving private driveways and roads constructed under the permit;

J. Requirements for safe and adequate drainage of the site;

K. A requirement that approval of the city engineer be secured prior to discontinuing any work. This approval to discontinue work may require that revegetation or maintenance be performed;

L. A requirement that men and equipment be provided at the site during storms to prevent incomplete work from endangering life or property;

M. Requirements for fencing of excavation or fills which would be hazardous without such fencing;

N. Restoration of disturbed areas;

O. A requirement that erosion control treatment be administered. (Ord. 164 §1.7, 1980)

15.16.090 Permit--Fees. Permit fees shall be established by a resolution of the city council. (Ord. 164 §1.5, 1980)

15.16.100 Coastal development permit and appeal. A coastal development permit, as defined in the Coastal Act of 1976, shall be deemed to have been issued by the city upon the granting of a grading permit if such action is not appealed. The granting of the permit shall become effective ten working days after approval and adoption of findings, unless an appeal is filed with the California Coastal Commission pursuant to Section 30603 of the Coastal Act. All local appeals must first be exhausted. If a valid appeal is filed the City approval shall be of nor force and effect until the appeal has been decided by the coastal commission. Within five working days of receipt of notice from the Coastal Commission of the filing of a valid appeal, the city

clerk shall deliver to the commission staff all relevant documents and materials used by the planning commission and city council in their deliberations. (Ord. 164 §2.3, 1980)

15.16.110 Permit--Revocation. A. In the event that the permittee shall violate the terms of the grading permit as issued pursuant to this chapter, or shall conduct or carry on grading in such a manner as to affect adversely the health, welfare or safety of persons residing or working in the vicinity of the work site, or shall conduct or carry on grading so that the grading is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city engineer or planning commission may revoke or suspend such grading permit temporarily. This revocation may be initiated by a citizen complaint and the suspension may be immediate if deemed necessary by the city engineer.

B. No grading permit shall be permanently revoked until a hearing is held by the planning commission. Written notice of such hearing shall be served upon the permittee, either personally or by registered mail, and shall state the following:

1. The grounds for the revocation or suspension;
2. The time and place when such hearing is to be held.

C. At any such hearing the permittee or member of the general public shall be given the opportunity to be heard and/or defend himself, and may call witnesses and present evidence in his behalf. Upon conclusion of such hearing the planning commission shall determine whether or not the permit shall be suspended or revoked.

D. The permittee may appeal the decision of the planning commission to the city council as provided for in Section 15.16.130(B). (Ord. 164 §2.4, 1980)

15.16.120 Permit--Expiration. Every grading permit shall expire by limitation and become null and void if the work authorized has not been commenced within ninety days or is not completed within one year from the date of issue; except that the city engineer, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work from being started or completed within the specified time limits, may grant a reasonable extension of time on such permit; provided that the application for the extension is made before the date of expiration of the permit. The permit shall expire after a period of two years regardless of extensions requested. (Ord. 164 §2.2, 1980)

15.16.130 Permit--Appeals. A. Any applicant for a grading permit, person or agency aggrieved by a determination of the city engineer may appeal such determination to the planning commission by filing a written appeal with the

city clerk within ten working days after the permit determination.

B. Any person or agency aggrieved by a permit determination of the planning commission may appeal to the city council within ten working days from the date of such determination by filing a written appeal with the city clerk. (Ord. 164 §2.0, 1980)

15.16.140 Permit--Planning commission, city council action on appeals. Both the planning commission and city council shall, upon receiving notice of appeal, schedule a hearing at the next regular monthly meeting occurring at least fifteen working days after the date the appeal is received by the city clerk. This hearing shall be noticed as per Section 15.16.160. The planning commission and city council shall either sustain, modify, or reject the action of the city engineer or planning commission within seven calendar days of the appeal hearing, based upon staff recommendations, both written and oral public testimony, and a finding of conformance with the Trinidad general plan and this title and all city ordinances. Action by the city council on an appeal shall be final except where the subject property is located within the area where coastal development permits may be appealed to the State Coastal Commission pursuant to Section 30603 of the California Coastal Act. In such cases the provision of Section 15.16.100 shall apply. (Ord. 164 §2.1, 1980)

15.16.150 Public notice. For public hearings held pursuant to this title, the following notification method shall be required:

A. The applicant shall furnish to the city clerk one stamped envelope addressed to the owner of each parcel within one hundred feet from each boundary of the subject property. The envelopes may be addressed to "owner" at the mailing address of the parcel as ascertained from the records of the county assessor. The city clerk shall use the envelopes to mail notice of the time, place and purpose of the hearing at least ten working days before the date of the hearing. The notice shall include a copy of the application showing the file number, the date, time and place at which the application will be heard, and an explanation of the general procedure of the city concerning hearings and action on applications. In addition to mailing notice to all those for who envelopes have been provided, the city clerk shall provide notice to the applicant and to all persons known or thought by the clerk to have a particular interest in the application, including the coastal commission. The applicant shall also be responsible for the notification of those persons residing within one hundred feet of the proposed development.

B. At the time the application is submitted to the clerk the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the subject property, notice that an application has been submitted to the city. The city shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to so post the completed notice form and sign the declaration of posting no less than ten working days prior to the hearing, or if it is determined that the application is incomplete, the city clerk shall withdraw the application from consideration and shall not mail out the hearing notices.

C. For actions initiated by the planning commission or city council the city clerk shall provide notice as prescribed above and shall publish in a newspaper of general circulation in the city, at least ten working days prior to the hearing, one notice of the time, place and purpose of the public hearing; provided, however, that if the size of the subject area would require mailing notice to more than fifty property owners such notice may be inserted in the water bill mailing. The city clerk shall place in the file a written declaration of the means of notification used and certification of the date notification was mailed, posted or published. Other means of notification, in addition to that required herein, may be used by the planning commission if deemed advisable. (Ord. 164 §1.8, 1980)

15.16.160 Inspections. A. The city engineer shall, when requested by the permittee, cause the following inspections to be made. Requests for inspections shall be made at least seventy-two hours in advance of the day intended for inspection. The city engineer may also conduct inspections at his own discretion.

B. Initial Inspection. The permittee shall request an initial inspection whenever the work on the grading, excavation, or fill is ready to begin.

C. Clearance of Site. The permittee shall request an inspection when all clearing and grubbing has been completed and all the materials have been removed from the site.

D. Special Structures. The permittee shall request an inspection when retaining and/or crib walls are to be installed. The request must be made after excavations are made and reinforcing steel is in place but prior to the pouring of concrete.

E. Final Inspection. The permittee shall request a final inspection when all work, including the installation of all drainage structures and other protective devices has been completed.

F. Upon receiving an inspection request the city engineer shall promptly inspect the work and either approve the same or notify the permittee that there has been a failure to comply with the requirements of this title. Any portion

of the work which does not comply shall be corrected by the permittee within a time limit specified by the city engineer. (Ord. 164 §2.5, 1980)

15.16.170 Safety precautions. If, at any stage of work being undertaken as authorized by a grading permit issued pursuant to this title, the city engineer determines by inspection that the nature of the ground formation is such that further work is likely to endanger any property, persons, or public way, the city engineer may require, as a condition to allowing further work to be done, that such reasonable safety precautions be taken as the city engineer deems necessary to avoid the likelihood of danger. (Ord. 164 §2.51, 1980)

15.16.180 Soils investigation. A. The city engineer may request that a soils engineering investigation be made by a California registered soils engineer, with expertise in soils or foundation engineering based on the plan for work proposed under the permit. Such reports shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures. A soils engineering report shall be required in any area designated as unstable, of questionable stability or clayey soils in the Trinidad general plan and may be required elsewhere.

B. Recommendations included in the report and approved by the city engineer shall be conditions of the grading permit. (Ord. 164 §1.33, 1980)

15.16.190 Geologic investigation. The city engineer may request that an engineering geological investigation be prepared by a registered California geologist, or engineering geologist, based on the plan for work proposed under this permit. Such an engineering geological investigation shall be required in any area designated as unstable, of questionable stability, or clayey soils in the Trinidad general plan, and may be required elsewhere. 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, including consideration of seismic hazards and slope stability in natural materials within the proposed developments. All reports shall be subject to approval by the city engineer and supplemental reports and data may be required as he may deem necessary. Recommendations included in the report and approved by the city engineer shall be incorporated into the grading plan. (Ord. 164 §1.34, 1980)

15.16.200 Removal of spills. A. No person shall dump, spill, or cause to be placed, any excavated material

on public or private property without the express written consent of the owner of such premises.

B. If subsection A of this section is violated, the permittee shall cause the excavated material to be removed from the public or private property within thirty-six hours. In the event that it is not so removed, the city engineer shall cause such removal and the cost shall be borne by the permittee. Correction of damage resulting from the placement of unauthorized fill shall also be borne by the permittee. (Ord. 164 §1.4, 1980)

15.16.210 Grading specifications. A. All grading within one thousand feet of any residential occupancy, hotel or motel, shall be carried on between the hours of eight a.m. and five-thirty p.m., unless other hours are specified by the city engineer.

B. All graded surfaces shall be wetted, protected, or contained in such a manner as to prevent a nuisance from dust or spillage. Equipment and materials on the site should be used in such a manner as to avoid excessive dust and noise.

C. Riparian habitats shall be preserved.

D. All exposed excavations and fills shall receive adequate erosion control treatment.

E. All graded sites shall be developed so as to provide control of storm and surface waters. Adequate provisions shall be made to prevent any storm or surface waters from damaging the face of an excavation or the sloping face of a fill. All drainage provisions shall be subject to the approval of the city engineer, and subdrainage may be required where deemed necessary. All drainage provisions shall be of such a design so as to carry or direct storm and surface waters to the nearest practical street, storm drain, or natural watercourse, approved by the city engineer. (Ord. 164 §2.8, 1980)

15.16.220 Excavations. A. No permanent excavation shall be made with a face steeper in slope than one and one-half horizontal to one vertical, unless a retaining wall or other approved support is provided. The city engineer may, upon request, permit deviations from the standards set forth in subsection A of this section, if the deviations do not conflict with the purposes of this chapter. The permittee shall first furnish the city engineer with a written opinion of a certified California soils engineer or engineering geologist certifying that he has investigated the site and that the proposed deviations will not endanger any persons or property.

B. Any excavation shall be located one-half its vertical height but not less than ten feet from adjacent properties. Request for a waiver of this requirement may be made to the city engineer by presentation of detailed plans

along with a written opinion of a certified California soils engineer or engineering geologist to support justification for such a waiver. The city engineer shall have the authority to grant such waiver.

C. The tops of excavation slopes and the ends of excavations shall be rounded as required by the city engineer.

D. The city engineer may require that an excavation face be flatter than one and one-half horizontal to one vertical in order to fulfill the purposes of this chapter. (Ord. 164 §2.1, 1980)

15.16.230 Fills. A. No fill shall be made which creates an exposed surface steeper than one and one-half horizontal to one vertical. The city engineer may, upon request, permit deviations from this standard which do not conflict with the purposes of this chapter; provided, that the permittee provides a written statement from a certified California soils engineer or engineering geologist certifying that he has investigated the site and that the proposed deviations will not endanger any persons or property.

B. The edge of a filled slope shall be located at least one-half the vertical height of the fill, but not less than ten feet from adjacent properties. Request for a waiver of this requirement may be made to the city engineer by presentation of detailed plans along with a written opinion of a certified California soils engineer or engineering geologist to support justification for such a waiver. The city engineer shall have the authority to grant such a waiver.

C. The city engineer may require a flatter fill surface than one and one-half horizontal to one vertical if deemed necessary in order to fulfill the purposes of this chapter.

D. The area to be filled must be first cleared of all trash, brush, trees, stumps, timber or any other debris and shall be scarified.

E. The city engineer must approve fill materials.

F. All exposed fills shall be protected from erosion immediately upon completion of work. Landscaping or any other erosion-control device deemed necessary by the city engineer shall be installed by the applicant.

G. Fill slopes shall be compacted as necessary for safety, to prevent saturation, adverse settlement, slipping or erosion. The city engineer shall specify the compaction standards required and may require a written report from a certified California civil or soils engineer certifying the results of compaction tests. If the fill is to support buildings or roadways, the city engineer may require the report to include recommendations on bearing standards. (Ord. 164 §2.82, 1980)

15.16.240 Terraces. All excavated and filled slopes shall have protected drainage terraces at intervals as specified by the city engineer. Drainage terraces are to be a minimum of four feet wide and must carry water to a suitable disposal area. The city engineer may waive this requirement if drainage is adequately treated by other satisfactory methods. (Ord. 164 §2.83, 1980)

15.16.250 Existing fills and excavations. Whenever the city engineer determines that an existing fill or excavation warrants either protection or removal due to endangerment of persons or public or private property, he shall give written notice to the owner of such property. The owner shall file for a grading permit within forty-five days and all procedures required by this chapter shall be complied with in repairing the property. (Ord. 164 §2.84, 1980)

15.16.260 Certificate of completion. A. If the city engineer finds upon final inspection that the work authorized by the grading permit has been satisfactorily completed in accordance with the requirements of this chapter, a certificate of completion shall be issued to the permittee.

B. The certificate of completion shall state that the work has been inspected and approved by the city engineer and that the work is complete. (Ord. 164 §2.9, 1980)

15.16.270 Certificate of completion--Revocation. A. The city engineer shall have the power to revoke any certificate of completion if he finds that the work covered by the certificate has been materially extended or altered without a permit to do so, or that retaining walls, cribbing, drainage structures or other protective devices or any planting, as shown on the approved plans and specifications submitted with the permit application, have not been satisfactorily maintained.

B. Before such revocation, the city shall give written notice to the owner of the property involved, specifying the problem and stating that unless the defective condition is remedied, the certificate of completion shall be revoked. If the defective condition is remedied, the certificate shall not be revoked. The city engineer shall specify a time limit within which the corrective action must be completed. (Ord. 164 §3.0, 1980)

15.16.280 Liability. Failure of the city engineer to observe or recognize hazardous conditions or failure of the planning commission or city council to deny the grading permit shall not relieve the owner or his agent for responsibility for the condition or damages resulting therefrom, and shall not result in the city, its officers or agents

being responsible for the conditions or damages resulting therefrom. (Ord. 164 §1.9, 1980)

15.16.290 Liability insurance. If, in the opinion of the city engineer, the nature of the work regulated by this chapter is such that it might create a hazard to human life or endanger adjoining property or property at a higher or lower level, or any street or street improvement, or any other public property, then the city engineer may, before issuing the permit, require that the applicant for a permit file a certificate showing that he is insured against claims for damages for personal injury as well as claims for property damage, including damage to the city by deposit or washing of material onto city streets or other public improvements, which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor or any person directly or indirectly employed by him, and the amount of such insurance shall be prescribed by the city engineer in accordance with the nature of the risks involved. Any such insurance shall include protection against liability arising from completed operations. Any such insurance shall be written by a company which meets with the approval of the city and shall insure the city, its officer, agents and employees against loss or liability which may arise during the performance of, or which may result from, any work herein required to be done. (Ord. 164 §2.7, 1980)

15.16.300 Bond--Required. A. Bond Required. If, in the opinion of the city engineer, the nature of the work regulated by this chapter is such that if left incomplete it will create a hazard to human life or endanger adjoining property or property at a higher or lower level, or any street or street improvement, or any other public property, the city engineer may, before issuing the permit, require a cash bond or surety bond in a form satisfactory to him and approved by the city attorney, in the sum of one hundred percent of the estimated cost of the work conditioned upon the faithful performance of the work specified in the permit within the time specified by the city engineer. Such bond shall obligate the principal, his executors, administrators, successors and assigns, jointly and severally, with the surety, and shall insure to the benefit of the city, its officers, employees, and to any person aggrieved by the principal's failure to comply with the conditions thereof. Such bond shall further provide that it will not be cancelled or terminated until at least ten days notice thereof has been filed with the city clerk. (Ord. 164 §2.6(a), 1980)

15.16.310 Bond--Notice of default. Whenever the city engineer shall find that a default has occurred in the performance of any term or condition of any permit, written

notice thereof shall be given to the principal and to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the city engineer to be reasonably necessary for the completion of the work. (Ord. 164 §2.6(b), 1980)

15.16.320 Bond--Term--Completion. The term of each bond posted shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the city engineer of all of the terms and conditions of the permit for the work. Such completion shall be evidenced by a statement thereof signed by the principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used. (Ord. 164 §2.6(g), 1980)

15.16.330 Duty of surety. After receipt of such notice the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, pay over to the city engineer the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to ten percent of the estimated cost, but not to exceed the principal sum of the bond. Upon the receipts of such moneys, the city engineer shall proceed by such mode as he deems convenient to cause the required work to be performed and completed, but no liability shall be incurred therein other than for the expenditure of the sum in hand therefor. The balance, if any, of such bond funds shall, upon completion of the work, be returned to the surety, after deducting the cost of the work plus ten percent thereof. (Ord. 164 §2.6(c), 1980)

15.16.340 Disposition of cash bond. If a cash bond has been posted, notice of default, as provided by Section 15.16.330 shall be given to the principal, and if compliance is not had within the time specified, the city engineer shall proceed without delay and without further notice or proceedings whatsoever to use the cash deposited, or any portion of such deposit, to cause the required work to be done by contract or otherwise in the discretion of the city engineer. The balance, if any, of such cash deposit shall, upon the completion of the work, be returned to the depositor, or to his successors or assigns, after deducting the cost of the work plus ten percent thereof. (Ord. 164 §2.6(d), 1980)

15.16.350 Right of entry. In the event of any default in the performance of any term or condition of the permit for the work, the surety or any person employed or engaged on his behalf, shall have the right to go upon the premises

to complete the required work or make it safe. (Ord. 164 §2.6(e), 1980)

15.16.360 Interference prohibited. No person shall interfere with or obstruct the ingress or egress to or from any such premises by an authorized representative or agent of any surety or of the city engaged in completing the work required to be performed under the permit or in complying with the terms or conditions thereof. (Ord. 164 §2.6(f), 1980)

15.16.370 Violation--Penalties. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail of the county of Humboldt for a term of not exceeding five months, or both. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. 164 §3.2, 1980)

## Chapter 15.20

## HOUSE NUMBERING

Sections:

15.20.010 System adopted.
15.20.020 Map of street numbers.
15.20.030 Street numbers required.
15.20.040 Size and type of numbers.
15.20.050 City clerk--House numbering.
15.20.060 New or altered structures.
15.20.070 Violation--Penalty.

15.20.010 System adopted. A uniform system of house numbers described in the following sections is adopted and established in the city. (Ord. 125 §1, 1961)

15.20.020 Map of street numbers. Reference is made to map of street numbers of the city on file in the office of the city clerk and the numbers as shown on such map are designated as the numbers that shall be awarded to houses in the city. All numbers on the east and north sides of streets shall be even, all numbers on the south and west sides shall be odd. (Ord. 125 §2, 1961)

15.20.030 Street numbers required. Every person owning, controlling, occupying or using any house, store, storeroom or building situated on premises fronting on any street, avenue or other public way or place in the city shall procure, place, attach and maintain in a conspicuous place on the street front of every such house, store, storeroom or building the number assigned thereto by the city. (Ord. 125 §3, 1961)

15.20.040 Size and type of numbers. All house numbers shall be of such size and type and so placed as to be easily visible and legible from the center of the street, avenue or other public way or place upon which the premises fronts and shall not be less than three inches in height. (Ord. 125 §6, 1961)

15.20.050 City clerk--House numbering. It shall be the duty of the city clerk to exercise general supervision and control over the numbering of buildings in the city, in accordance with the provisions of this chapter. He shall issue official numbers to applicants and shall cause citations to be issued against persons violating the provisions of this chapter. (Ord. 125 §4, 1961)

15.20.060 New or altered structures. It shall be the duty of every person owning, controlling, occupying or using any new or altered structure required to be numbered by this chapter to place, attach and maintain the appropriate number to such structure within sixty days after either the completion or occupancy of the structure, whichever comes first. (Ord. 125 §5, 1961)

15.20.070 Violation--Penalty. Any person found violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than one hundred dollars for such offense. (Ord. 125 §7, 1961)

# Title 16

## SUBDIVISIONS

Chapters:

16.04 General Provisions and Definitions
16.08 Mapping Requirements
16.12 Maps--Form and Content
16.16 Applications for Subdivisions
16.20 Fees
16.24 Lot Line Adjustments
16.28 Reversion to Acreage
16.32 Dedications and Improvements
16.36 Correction and Amendment of Maps
16.40 Violation--Penalties

## Chapter 16.04

## GENERAL PROVISIONS AND DEFINITIONS

Sections:

16.04.010 Short title--Authority.
16.04.020 Purpose.
16.04.030 Conformity.
16.04.040 Compliance.
16.04.050 Definitions.
16.04.060 City clerk--Responsibilities and duties.
16.04.070 City clerk--Findings and recommendations.
16.04.080 City engineer--Powers and duties.
16.04.090 City planner--Powers and duties.
16.04.100 Planning commission--Powers and duties.
16.04.110 City council--Powers and duties.

16.04.010 Short title--Authority. This chapter is established to supplement and implement the Subdivision Map Act, Section 66410 of the Government Code, and shall be known as the "Subdivision Ordinance of the City of Trinidad." (Ord. 163 §1.01, 1981)

16.04.020 Purpose. A. The purpose of this chapter and any rules, regulations, or specifications adopted pursuant thereto is to control and regulate all divisions of land within the city.

B. Procedures are hereby established for the purpose of securing official approval for any such land division. The requirements and standards set forth in this title provide for the preservation of the health, safety and general

welfare of the city's residents, in addition to the promotion of orderly growth and development, and the protection of sensitive lands. (Ord. 163 §1.02, 1981)

16.04.030 Conformity. A. No land shall be subdivided and developed for any purpose which is not in conformity with the city general plan and specifically authorized by the city's zoning ordinance.

B. The types of streets, utilities and public services to be provided by the subdivider shall conform with the policies of the Trinidad general plan. (Ord. 163 §1.03, 1981)

16.04.040 Compliance. No permit shall be issued for the construction of or alteration to any building or structure located or to be located on land which is subdivided in violation of the provisions of this title until such time as this title is complied with. (Ord. 163 §1.04, 1981)

16.04.050 Definitions. For the purposes of this title words used in the present tense include the future; the singular number shall include the plural and the plural the singular:

"Aggrieved person" means any person who, in person or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the governing body of his or her concerns.

"City council" means the city of Trinidad, California, city council.

"City engineer" means the person or firm hired by the city of Trinidad, California, for the purpose of evaluating engineering projects.

"City planner" means the person or firm hired by the city of Trinidad, California, for the purpose of evaluating development proposals from a planning perspective.

"Final map" means a map prepared for recordation of a major subdivision as per Section 16.08.040.

"General plan" means the Trinidad general plan adopted by the city of Trinidad, California as the land use portion of the local coastal plan.

"Lot line adjustment" means an adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

"Parcel map" means a map prepared for recordation of a minor subdivision as per Section 16.08.020.

"Planning commission" means the city of Trinidad, California, planning commission.

"Preliminary map" means a map prepared for the review of a minor subdivision proposal as per Section 16.08.020.

"Record of survey" map means a map prepared by a licensed surveyor which serves as a public record for a private survey of existing deed, land, or manmade features which is filed with the county recorder.

"Shall" is a mandatory directive while "may" is voluntary. "Should" is considered nonmandatory.

"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 himself or for others except that employees and consultants of such persons or entities, acting in such capacity are not "subdividers."

"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit, or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "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. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

"Tentative subdivision map" means a map prepared for the review of a major subdivision proposal as per Section 16.08.040. (Ord. 163 §1.05, 1981)

16.04.060 City clerk--Responsibilities and duties. The city clerk shall be responsible for receiving and disseminating maps and information required by this title to all reviewing agencies and interested persons including owners of property which lies within one hundred feet of the proposed development. (Ord. 163 §1.06(a), 1981)

16.04.070 City clerk--Findings and recommendations. All findings and recommendations shall be made in writing, dated, and addressed to the city clerk. (Ord. 163 §1.06(f), 1981)

16.04.080 City engineer--Powers and duties. The city engineer shall be responsible for and have the authority to:

A. Establish design and construction details, standards and specifications;

B. Inspect and approve or disapprove subdivision improvements;

C. Inspect and certify in writing that record of survey and lot line adjustment maps are technically correct;

D. Approve all record of survey maps. (Ord. 163 §1.06(b), 1981)

16.04.090 City planner--Powers and duties. The city planner shall be responsible for and have the authority to:

A. Process and recommend approval, conditional approval, or denial on all lot line adjustment maps;

B. Review and comment on all subdivision maps;

C. Determine if a proposed subdivision and its improvements comply with the provisions of this title, the zoning ordinance, the general plan and with the Subdivision Map Act. These findings and/or recommendations shall be submitted to the planning commission, in writing, prior to the scheduling of the public hearing. (Ord. 163 §1.06(c), 1981)

16.04.100 Planning commission--Powers and duties. The planning commission shall be responsible for and have authority to:

A. Review and recommend approval, conditional approval or disapproval on all preliminary, tentative subdivision, and reversion to acreage maps to the city council;

B. Hear an appeal by any interested person adversely affected by a decision of the city staff, and after hearing testimony and reviewing documents, shall within thirty calendar days either sustain, modify, reject or overrule the decision;

C. Review and approve, conditionally approve, or deny all lot line adjustment proposals. (Ord. 163 §1.06(e), 1981)

16.04.110 City council--Powers and duties. The city council shall be responsible for and have the authority to:

A. Review and approve, conditionally approve or deny all maps referred from the planning commission;

B. Review and approve or disapprove all parcel and final maps;

C. Hear an appeal by any interested person adversely affected by a decision of the planning commission or city staff, and, after hearing testimony and reviewing documents, shall within thirty calendar days either sustain, modify, reject or overrule said decision;

D. Waive a provision of this title upon reasonable finding that the waiver will improve the overall subdivision design. The city council may also, for good cause, increase the requirements beyond the minimums herein specified, to provide for unusual circumstances or conditions. These waivers or increased requirements shall conform with the general plan, zoning ordinance, and the Subdivision Map Act. (Ord. 163 §1.06(e), 1981)

# Chapter 16.08

## MAPPING REQUIREMENTS

Sections:

16.08.010 Generally.
16.08.020 Minor subdivision--Map requirements.
16.08.030 Parcel maps--Required when.
16.08.040 Major subdivisions--Map requirements.
16.08.050 Parcel map waiver.

16.08.010 Generally. This chapter shall govern the necessity for preliminary, parcel, tentative subdivision, and final maps. (Ord. 163 §2.01, 1981)

16.08.020 Minor subdivision--Map requirements. A preliminary map and parcel map shall be required for any subdivision creating four or less parcels except for lot line adjustments as governed by Chapter 16.24. (Ord. 163 §2.02, 1981)

16.08.030 Parcel maps--Required when. A preliminary map and parcel map shall be required for the following subdivisions regardless of the number of parcels being created; whenever:

A. The land before division contains less than five acres, each lot created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the city; or

B. Each lot created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or

C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has the approval of the city council as to street alignments and widths; or

D. Each lot created by the division has a gross area of forty acres or more. (Ord. 163 §2.03, 1981)

16.08.040 Major subdivisions--Map requirements. A tentative subdivision map and final map is required for all subdivisions creating five or more parcels, five or more condominium dwelling units as defined in Section 783 of the State Civil Code, or a community apartment project containing five or more parcels except when the subdivision is applicable to Section 16.08.030. (Ord. 163 §2.04, 1981)

16.08.050 Parcel map waiver. The requirement for a parcel map may be waived by the planning commission, as

provided for in Section 66428 of the Subdivision Map Act if all of the following findings are made:

A. That the requirement of a parcel map will create an undue hardship and the absence of survey data will not be detrimental to the future owners of the lots to be created;

B. That the proposed division of land complies with Chapter 17.32;

C. That the proposed division of land complies with the provisions of the Trinidad general plan and zoning ordinance; and the Subdivision Map Act;

D. That the California Environmental Quality Act has been complied with.

In any case, where the requirement for a parcel map is waived by this section, a preliminary or tentative subdivision map shall be required.

The request for a parcel map waiver shall be made to the planning commission at least fifteen working days prior to the public hearing at which the subdivision proposal will be presented. (Ord. 163 §2.05, 1981)

## Chapter 16.12

## FORM AND CONTENT OF MAPS

Sections:

16.12.010 Generally.
16.12.020 Preliminary map--Form.
16.12.030 Preliminary map--Contents.
16.12.040 Parcel maps--Generally.
16.12.050 Parcel maps--Content.
16.12.060 Parcel maps--Certificate.
16.12.070 Tentative subdivision maps--Form.
16.12.080 Tentative subdivision maps--Contents.
16.12.090 Final maps--Generally.
16.12.100 Final maps--Contents.
16.12.110 Final maps--Certificates.

16.12.010 Generally. The form and contents of preliminary, parcel, tentative subdivision and final maps shall conform to the provisions of this chapter. (Ord. 163 §3.01, 1981)

16.12.020 Preliminary map--Contents. Preliminary maps shall be drawn to a size of eighteen by twenty-four inches and to a scale of not more than one hundred feet to one inch or of sufficient size and scale to enable city staff to properly review the proposed subdivision. The city engineer will establish size and scale requirements. (Ord. 163 §3.02, 1981)

16.12.030 Preliminary map--Contents. The preliminary map shall contain the following information:

A. A vicinity map indicating the location of the proposed subdivision in relation to the surrounding area;

B. The tract name, date, scale, north arrow, assessor's parcel number, and boundaries sufficient to define the proposed subdivision;

C. Names and addresses of the record owner, subdivider and the engineer or surveyor or the individual who prepared the maps;

D. Names and assessor's parcel numbers of all contiguous lands;

E. The location of any wildlife habitat, including rare and/or endangered species;

F. The location of riparian vegetation and all trees with a dbh greater than eight inches;

G. The approximate dimensions and areas of all lots;

H. Approximate location of all areas subject to inundation by storm water overflow and the location, width, and direction of flow of all water courses, including tidal waters. The line of high water shall be shown if the subdivision is adjacent to a stream, channel or any other water;

I. The location and identification of all existing easements and/or rights-of-way and those to be offered for dedication;

J. The proposed water source and sewage disposal method for each lot shall be indicated and explained;

K. The location of all existing structures;

L. Location of proposed building sites and sewage disposal sites including reserve areas;

M. Existing and proposed land use;

N. Contours and their source and date. A maximum contour interval of ten feet is permissible;

O. Preliminary title report of current date (less than six months old);

P. Significant rock outcroppings and other unusual land forms;

Q. Location of all areas subject to mass soil movement;

R. Any other information the subdivider may wish to supply. (Ord. 163 §3.03, 1981)

16.12.040 Parcel maps--Generally. The contents of parcel maps shall conform to the Subdivision Map Act and this chapter. (Ord. 163 §3.04, 1981)

16.12.050 Parcel maps--Content. The parcel map for subdivision shall be prepared by or under the direction of a civil engineer or licensed land surveyor registered in the state of California. It shall be based upon a survey, and shall conform to the following provisions:

A. It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure legibility.

B. The size of each sheet shall be a minimum of eighteen by twenty-seven inches. A marginal line shall be drawn around each sheet leaving an entirely blank margin of one inch around three sides and at least a two-inch margin on the left. The scale of the map shall be large enough to show all details clearly. More than one sheet may be necessary to accomplish this end. Each sheet shall be numbered and clearly indicate its relation to adjoining sheets.

C. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundaries shall be provided according to the Subdivision Map Act. The map shall show the location and description of all monuments found in making the survey of the subdivision, and those to be placed permanently.

D. The boundary of the subdivision shall be designated by a blue border applied to the reverse side of the tracing and on the face of the blue line prints. Such border shall not interfere with the legibility of data.

E. Each parcel shall be numbered. Each street shall be named.

F. All encroachments shall be shown.

G. A certificate signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recordation of the final map is required, except as provided by Sec. 66436 of the Subdivision Map Act.

H. Dedications and easements, existing or to be provided, shall be clearly indicated and identified. Dedications of real property for public interest shall be made by certificate, signed and acknowledged by those parties having record interest in the property being subdivided.

I. The tract name, the date, scale and north arrow shall be provided.

J. A title report prepared within six months prior to the submittal of the parcel map shall be provided. (Ord. 163 §3.05, 1981)

16.12.060 Parcel map--Certificate. The following certificates shall appear on a parcel map:

A. Engineer's (Surveyor's) Certificate.

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the Subdivision Map

ORDINANCE NO. 92-3

AN ORDINANCE OF THE CITY OF TRINIDAD REPEALING SECTIONS 16.12.060(c) and SECTION 16.12.110(e) OF THE MUNICIPAL CODE RELATING TO SUBDIVISIONS

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

Section 1: Section 16.12.060(c) of the Trinidad Municipal Code is repealed.

Section 2: Section 16.12.110(e) of the Trinidad Municipal code is repealed.

Section 3: This ordinance shall take effect thirty (30) days after its adoption.

Passed, approved, and adopted this 11th day of March, 1992 by the following vote:

AYES: BERNARD, ROTWEIN, ODOM, McCARTY

NOES: NONE

ABSENT: KENNY

APPROVED:

J. Boyle Kenny
Mayor, City of Trinidad

ATTEST:

Janelle Case
City Clerk, City of Trinidad

CLERK'S CERTIFICATE

I hereby certify that the foregoing is the true and correct original of Ordinance No. 92-3, passed and adopted at a regular meeting of the City Council of the City of Trinidad, held on March 11, 1992.

Janelle Case
City Clerk, City of Trinidad

Act at the request of (name of person authorizing map) on (date) I hereby state that the parcel map procedures of the Trinidad Subdivision Ordinance have been complied with and that this parcel map substantially conforms to the approved preliminary map and the conditions of approval thereof which were required to be fulfilled prior to the filing of the parcel map.

(Signed)_____

R.C.E.(or L.S.)No._____

B. Recorder's Certificate.

Filed this _____ day of _____ 19__, at __ m. in Book _____ of _____, at page ___, at the request of _____.

Signed_____
County Recorder

C. City Engineer's Certificate.

This map conforms with the requirements of the Subdivision Map Act and the Subdivision Ordinance.

Dated: _____ Signed _____
City Engineer

(Ord. 163 §3.06, 1981)

16.12.070 Tentative subdivision maps--Form. Tentative subdivision maps shall be drawn to a size of twenty-four by thirty-six inches and to a scale of not more than one hundred feet to one inch. (Ord. 163 §3.07, 1981)

16.12.080 Tentative subdivision maps--Contents. The tentative subdivision map shall contain the following information:

A. All the information required under Section 16.12.030;

B. All curve data;

C. Any area for public use;

D. Typical sections of all streets, highways, ways and alleys, and details of required improvements, such as curbs, gutters, and sidewalks. These sections shall be of such scale as to show clearly all details thereof;

E. Typical sections and details of any grading to be performed;

F. A statement from the applicable school district(s) as to additional needs created by the subdivision. (Ord. 163 §3.08, 1981)

16.12.090 Final maps--Generally. The contents of the final map shall conform to the Subdivision Map Act and this title. (Ord. 163 §3.09, 1981)

16.12.100 Final maps--Contents. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor registered in the state of California. It shall be based upon a survey and shall conform to the following provisions:

A. It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments shall be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

B. The size of each sheet shall be a minimum of eighteen by twenty-seven inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch around three sides and at least a two-inch margin on the left. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

C. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

D. Each parcel shall be numbered and each block may be numbered or lettered. Each street shall be named.

E. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

F. When a soils or geologic report has been prepared, this fact shall be noted on the final map, together with the date of the report, the name of the engineer making the report, and the location where the reports are on file. If the requirement for a geologic or soils report is waived this shall be so noted.

G. All existing and proposed easements and/or encroachments shall be shown. (Ord. 163 §3.10, 1981)

16.12.110 Final maps--Certificates. Prior to filing, those certificates and acknowledgments set forth in this section shall appear on the final map:

A. A certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final map is required, except as provided for in Section 66436 of the Subdivision Map Act.

B. 1. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of Section 66436 of the Subdivision Map Act.

2. In the event any street shown on the final map is not offered for dedication, the certificate may contain a statement to this effect.

C. The final map shall contain a certificate for execution by the city clerk stating that the city council approved the map and accepted, accepted subject to improvement, or rejected, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.

D. 1. A certificate by the engineer or surveyor responsible for the survey and final map shall be included. His certificate shall give the date of the survey, state that the survey and final map were made by him or under his direction, and that the survey is true and complete as shown.

2. The certificate shall also state that all monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date. The certificate shall state that the monuments are, or will be, sufficient to enable the survey to be retraced.

E. A certificate by the city engineer stating that:

1. He has examined the map;

2. The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof;

3. All provisions of this title and the Subdivision Map Act applicable at the time of approval of the tentative map have been complied with;

4. He is satisfied that the map is technically correct;

5. The subdivision as shown is in conformance with the Trinidad general plan. (Ord. 163 §3.11, 1981)

# Chapter 16.16

## APPLICATIONS FOR SUBDIVISIONS

Sections:

16.16.010 Generally.
16.16.020 Application--Filing.
16.16.030 Application--Completion.
16.16.040 Environmental impact assessment.
16.16.050 Preliminary soils, percolation and geologic report requirements.
16.16.060 Cost analysis.
16.16.070 Map distribution.
16.16.080 Public notice.
16.16.090 Planning commission action.
16.16.100 Extension of time limitation.
16.16.110 Administrative approval.
16.16.120 City council action.
16.16.130 Appeals.
16.16.140 Coastal development permit.
16.16.150 Subdivision agreement.
16.16.160 Improvement security.
16.16.170 Approval expiration.
16.16.180 Parcel and final map submission.
16.16.190 City council action on parcel and final maps.
16.16.200 Parcel maps--County recorder.

16.16.010 Generally. This chapter shall govern the procedures to be followed by both the applicant and the city in processing subdivision applications. (Ord. 163 §4.01, 1981)

16.16.020 Application--Filing. An application for subdivision shall be filed with the city clerk. Twelve prints of either the preliminary or tentative subdivision map shall be filed concurrently. The city clerk may require additional prints if necessary. (Ord. 163 §4.02, 1981)

16.16.030 Application--Completion. An application shall not be considered complete until all required information is submitted. The filing of an application and maps does not preclude the securing of additional information necessary for the proper review of said map nor does it insure that the map complies with this chapter or the Subdivision Map Act. (Ord. 163 §4.03, 1981)

16.16.040 Environmental impact assessment. A. An application for subdivision to be filed pursuant to the provisions of this chapter shall not be accepted by the city

clerk unless accompanied by an environmental impact assessment prepared by the applicant. The subdivision shall not be approved until either a negative declaration or environmental impact report (EIR) is prepared, processed, and considered in accordance with the California Environmental Quality Act.

B. The applicant shall furnish the city with the environmental impact assessment and EIR, if required, and all additional information which may be required during the environmental review process. The applicant shall also pay a fee for the processing of the environmental review documents.

C. The subdivision application will not be complete until all requested information is submitted to the city clerk. (Ord. 163 §4.04, 1981)

16.16.050 Preliminary soils, percolation and geologic report requirements. A. A preliminary soils report, prepared by a civil engineer registered in this state and based upon adequate test borings, shall be submitted to the city engineer for every subdivision. This requirement may be waived when, due to the knowledge available to the city engineer, as to the quality of soils within the subdivision, it is determined that no preliminary analysis is necessary. This waiver is not available for subdivision proposals in the open space and special environment zones and in areas shown as unstable, questionable stability and clayey soils in the general plan.

B. If the city engineer has knowledge of, or the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soils investigation of affected lots in the subdivision shall be required by said official. Such soils investigation shall be done by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problems exist. The soils engineer shall monitor construction of that part of the work pertaining to his recommendations and shall certify that the work was done in conformance with his recommendations.

C. The city engineer may require that a geologic report, prepared by a California registered geologist and based upon an on-site investigation and adequate test borings be prepared for a proposed subdivision. This report shall be required for subdivision proposals which lie within the "unstable," "questionable stability," or "clayey soils" areas identified in the general plan.

D. 1. A soils percolation test shall be performed for each parcel within a proposed subdivision. The results of the percolation test, a sewage disposal system design and

a soils profile shall be submitted to the city clerk and the subdivision application will not be complete until this information is received.

2. The city engineer shall approve the leachfield design, in writing, prior to action by the planning commission on the subdivision proposal.

E. The city council may approve the subdivision, or portion thereof where such soils or geologic problems exist, if it determines that the recommended action will not result in structural damage, increased public costs, or unreasonable risks for adjacent property owners. Approval of a subdivision may include a requirement that building permits on affected lots include, as a condition, the approved mitigation measures. (Ord. 163 §4.05, 1981)

16.16.060 Cost analysis. The subdivider shall provide a brief cost analysis of the development which identifies expenses and incomes to the city as a result of the approval of a proposed subdivision. This requirement shall apply only to subdivisions which require a final map. (Ord. 163 §4.06, 1981)

16.16.070 Map distribution. The city clerk shall within three days of submittal distribute a copy of a proposed subdivision to all responsible agencies and/or persons charged with the review of those proposals. (Ord. 163 §4.07, 1981)

16.16.080 Public notice. For public hearings held pursuant to this title, the following notification method shall be required:

A. The applicant shall furnish to the city clerk one stamped envelope addressed to the owner of each parcel within one hundred feet from each boundary of the subject property. The envelopes may be addressed to "owner" at the mailing address of the parcel as ascertained from the records of the county assessor. The city clerk shall use the envelopes to mail notice of the time, place and purpose of the hearing at least ten working days before the date of the hearing. The notice shall include a copy of the application showing the file number, the date, time and place at which the application will be heard, and an explanation of the general procedure of the city concerning hearings and action on applications. In addition to mailing notice to all those for who envelopes have been provided, the city clerk shall provide notice to the applicant. The applicant shall also be responsible for the notification of those persons residing within one hundred feet of the proposed development parcel and to all persons known or thought by the clerk to have a particular interest in the application, including the Coastal Commission.

B. At the time the application is submitted to the city clerk the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the subject property, notice that an application has been submitted to the city. The city shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to so post the completed notice form and sign the declaration of posting no less than ten working days prior to the hearing, or it is determined that the application is incomplete, the city clerk shall withdraw the application from consideration and shall not mail out the hearing notices.

C. For actions initiated by the planning commission or city council the city clerk shall provide notice as prescribed above and shall publish in a newspaper of general circulation in the city, at least ten working days prior to the hearing, one notice of the time, place and purpose of the public hearing; provided, however, that if the size of the subject area would require mailing notice to more than fifty property owners such notice may be inserted in the water bill mailing. The city clerk shall place in the file a written declaration of the means of notification used and certification of the date notification was mailed, posted or published. Other means of notification, in addition to that required herein, may be used by the planning commission if deemed advisable. (Ord. 163 §4.08, 1981)

16.16.090 Planning commission action. The planning commission shall, after receiving written notification from the city clerk that the subdivision application is complete and after receiving recommendations from all agencies or persons contacted, schedule a public hearing to receive comments on the proposed subdivision. The planning commission shall, after completion of the public hearing, either recommend approval, conditional approval, or disapproval of all preliminary and tentative subdivision maps. This review shall be completed and decision reached no sooner than ten working days and no later than fifty days after the planning commission's decision can be appealed as per Section 16.16.130. (Ord. 163 §4.09, 1981)

16.16.100 Extension of time limitation. With the written consent of the record owner, the city council may approve extensions in the preliminary and tentative subdivision map review and decision making process if it is concluded that unusual or unforeseen circumstances require additional time to properly review the map. Such extensions shall not exceed a total of twelve months. (Ord. 163 §4.10, 1981)

16.16.110 Administrative approval. If no action is taken upon a preliminary or tentative subdivision map by the

planning commission within the time limit specified in this title or any authorized extension thereof, approval of the preliminary or tentative subdivision filed shall be recommended to the city council, insofar as it complies with other applicable requirement of this title and the Subdivision Map Act. The city clerk shall certify such recommendation. (Ord. 163 §4.11, 1981)

16.16.120 City council action. The city council shall, within thirty days after receiving a recommendation from the planning commission, review and either approve, conditionally approve, or disapprove all subdivision proposals. This decision shall be based upon compliance with all city ordinances, the Trinidad general plan and the Subdivision Map Act. The city council shall deny approval of a subdivision proposal if it makes a finding included in Section 66474 of the Subdivision Map Act or if the city cannot supply water to all proposed lots. When imposing conditions of approval for minor subdivisions the council shall make a finding that the construction requirements are necessary for reasons of:

1. The public health and safety; or
2. The required construction is a necessary prerequisite to the orderly development of the surrounding area. (Ord. 163 §4.12, 1981)

16.16.130 Appeals. A. Appeal of any determination of the city staff or planning commission under this title or the Subdivision Map Act, must be made in writing to the city clerk within ten working days from the date of city staff or planning commission action. The appeal may be filed by the applicant or by any person or agency aggrieved by such action.

B. Both the planning commission and city council shall, upon receiving notice of appeal, schedule a public hearing or per Section 16.16.080 at the next regular monthly meeting occurring at least fifteen working days after the date the appeal is received by the city clerk. The planning commission and city council shall either sustain, modify, or reject the action of the city engineer or planning commission within seven calendar days of the appeal hearing. Action by the city council on an appeal shall be final except where the subject property is located within the area where coastal development permits may be appealed to the State Coastal Commission pursuant to Section 30603 of the California Coastal Act. (Ord. 163 §4.13, 1981)

16.16.140 Coastal development permit. A coastal development permit, as defined in the Coastal Act of 1976, shall be deemed to have been issued by the city upon the granting of approval or conditional approval of a preliminary or tentative subdivision map if such action is not

appealed. The granting of the permit shall become effective ten working days after approval and adoption of findings, unless an appeal is filed to the California Coastal Commission within that time pursuant to Section 30603 of the Coastal Act. All local appeals must first be exhausted. If a valid appeal is filed the city approval shall be of no force and effect until the appeal has been decided by the Coastal Commission. Within five working days of receipt of notice from the Coastal Commission of the filing of a valid appeal, the city clerk shall deliver to the commission staff all relevant documents and materials used by the planning commission and city council in their deliberations. (Ord. 163 §4.14, 1981)

16.16.150 Subdivision agreement. The subdivider shall enter into an agreement with the city after approval of a preliminary or tentative subdivision map, which will specify requirements to be fulfilled prior to the subdivision's recordation. This agreement may include improvement bonding as provided for in Section 16.16.160. The city council may waive this agreement requirement if deemed unnecessary. (Ord. 163 §4.20, 1981)

16.16.160 Improvement security. The subdivider shall either complete the improvements required by the city prior to approval of a parcel or final map, or, enter into an improvement security agreement with the city. The agreement and bonding procedure shall conform to Section 66462 and Chapter 5 of the Subdivision Map Act. (Ord. 163 §4.21, 1981)

16.16.170 Expiration of approval. A. An approved or conditionally approved preliminary or tentative subdivision map shall expire twelve months after its approval or conditional approval, or after such additional period of time as may be granted by the planning commission, but not to exceed an additional eighteen months.

B. The expiration of the approved or conditionally approved preliminary or tentative subdivision map shall terminate all proceedings and no parcel or final map of all or any portion of the real property included within such tentative map shall be filed without first processing a new preliminary or tentative subdivision map. (Ord. 90-204 §2(T), 1990; Ord. 163 §4.30, 1981)

16.16.180 Parcel and final map submission. Parcel and final maps shall be submitted to the city clerk when complete. The map will be complete when all necessary certificates have been signed, and notarized if required, except for the recorder's and clerk's certificates, and all conditions of approval have been fulfilled. (Ord. 163 §4.40, 1981)

16.16.190 City council action on parcel and final maps. The city council shall within thirty days approve the map if it conforms to all of the requirements of this title, the Trinidad general plan, and the Subdivision Map Act, and all of the conditions of approval shall have been met. If the map does not conform it shall be disapproved. (Ord. 163 §4.41, 1981)

16.16.200 Parcel maps--County recorder. The city clerk shall transmit parcel maps approved by the city to the Humboldt county recorder. Approved final maps shall be transmitted to the clerk of the Humboldt county board of supervisors for ultimate transmittal to the county recorder. (Ord. 163 §4.42, 1981)

## Chapter 16.20

## FEES

Sections:

16.20.010 Inspection fees.
16.20.020 Fee schedule.

16.20.010 Inspection fees. A. The subdivider shall bear the actual costs of inspection, which may include, but not be limited to, engineering costs, laboratory fees, consultant fees, and all inspections and control fees and tests.

B. The city council shall not approve a subdivision upon which inspection fees have not been paid in full unless these fees are covered by the subdivision agreement per Section 16.16.150. (Ord. 163 §7.71, 1981)

16.20.020 Fee schedule. A fee schedule for the processing of all maps required by this title and the Subdivision Map Act shall be prescribed by a resolution of the city council. The city will not receive parcel or final maps for proposed subdivisions until such time that fees are paid and no part of the fee shall be refundable. (Ord. 163 §9.04, 1981)

# Chapter 16.24

## LOT LINE ADJUSTMENTS

Sections:

16.24.010 Filing--Map requirements.
16.24.020 Maps--Distribution.
16.24.030 City planner approval--Criteria.
16.24.040 City engineer review.
16.24.050 Planning commission action.

16.24.010 Filing--Map requirements. A. Any property owner requesting a lot adjustment shall file with the city clerk a duplicate tracing and such number of copies of the lot line adjustment map as required together with an application. The map shall be a minimum of eight and one-half inches by eleven inches in size and shall indicate the exterior boundaries, the existing lot lines, and the proposed adjustment of such lines at a scale of not more than one inch equals one hundred feet.

B. The lot line adjustment map shall accurately locate all existing rights-of-way, easements, and existing structures. The property lines indicated shall be obtained from existing recorded maps, and the map need not be prepared by an engineer or surveyor unless the location of buildings require more accurate locational data. In such instances the property owner may be required to have such buildings and adjoining lot lines accurately located to determine the effect a lot line adjustment would have on the existing development.

C. The lot line adjustment map shall indicate all dimensions and courses of property lines, the assessor's parcel numbers, the zoning of the property, the area of each existing parcel, and the resultant area of the revised lots. The map shall contain a certification by the parties holding title and the name of the person preparing the map. (Ord. 163 §5.00, 1981)

16.24.020 Maps--Distribution. The city clerk shall within three days of receipt of a request for a lot line adjustment transmit such requests to those local agencies which may have an effect on the proposal. Those local agencies shall respond to the proposed lot line adjustment within fifteen days after receiving the map. (Ord. 163 §5.01, 1981)

16.24.030 City planner approval--Criteria. A. The city planner shall recommend approval of a lot line adjustment when he finds that:

1. The lot line adjustment does not violate existing codes and policies; and

2. The lot line adjustment will not create difficult or unreasonable access to the parcels; and

3. The lot line adjustment would not require variances to permit standard development; and

4. Utilities and public services can be provided to the revised parcels; and

5. No street dedications or improvements are required.

B. The city planner may recommend that such lot line adjustment maps be amended as a condition of approval. (Ord. 163 §5.02, 1981)

16.24.040 City engineer review. The city engineer shall certify, in writing, that the lot line adjustment map is technically correct. (Ord. 163 §5.03, 1981)

16.24.050 Planning commission action. The planning commission shall approve, conditionally approve or deny lot line adjustment proposals at its next regularly scheduled meeting after receiving recommendations from the city engineer and planner. A public hearing is not mandatory but may be requested by either the applicant or the planning commission. If a public hearing is to be held, notification procedure shall be in accordance with Section 16.16.080. (Ord. 163 §5.04, 1981)

## Chapter 16.28

## REVERSION TO ACREAGE

Sections:

16.28.010 Reversion to acreage--Required map.
16.28.020 Resubdivision.

16.28.010 Reversion to acreage--Required map. A parcel map shall be filed under the provisions of this title for the purpose of reverting to acreage land previously subdivided and under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity for any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the city council, the map shall be delivered to the county recorder. The recording of the map shall constitute legal reversion to acreage of land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the

map. The recording of the map shall also constitute a merger of the separate parcels into one parcel for the purposes of this title and the local coastal plan and shall thereafter be shown as such on the assessment roll. (Ord. 163 §6.00, 1981)

16.28.020 Resubdivision. Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by this title. The filing of the final map or parcel map with the county recorder shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel, and shall also constitute abandonment of all streets and easements not shown on the map. (Ord. 163 §6.01, 1981)

## Chapter 16.32

## DEDICATIONS AND IMPROVEMENTS

Sections:

16.32.010 Generally.
16.32.020 Dedications and improvements--Requirements.
16.32.030 Public rights-of-way.
16.32.040 Width requirements.
16.32.050 Design criteria.
16.32.060 Annexed properties.
16.32.070 Adjoining acreage.
16.32.080 Dead-end streets.
16.32.090 Soils test.
16.32.100 Curbs--Gutters--Sidewalks.
16.32.110 Concrete sidewalks--Required.
16.32.120 Traffic signs.
16.32.130 Electroliers.
16.32.140 Improvement plans.
16.32.150 Grading and erosion control.
16.32.160 Frontage.
16.32.170 Inspections.
16.32.180 Water supply.
16.32.190 Public access easements.
16.32.200 Open space easements.

16.32.010 Generally. All subdivisions shall conform to the Trinidad general plan, zoning ordinance, and other plans and policies adopted by the city. A subdivision map shall conform with specific plans or setback lines for streets, water courses, public areas, and other projects adopted by the city council. (Ord. 163 §7.01, 1981)

16.32.020 Dedications and improvements--Requirements. As a condition of approval of a map and in addition to any specific provisions contained hereafter, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutter's rights, drainage, public utility easements, and other easements. In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutter's rights, drainage, public utility easements, and other public easements if so required. (Ord. 163 §7.02, 1981)

16.32.030 Public rights-of-way. Public rights-of-way shall not exceed fifty feet in width between property lines. (Ord. 163 §7.10, 1981)

16.32.040 Width requirements. A typical collector street, as defined by the Trinidad general plan, shall be twenty-four feet wide and a typical local street, as defined by the Trinidad general plan, shall be sixteen feet wide. (Ord. 163 §7.11, 1981)

16.32.050 Design criteria. New streets shall be improved with grading, drainage, base rock, and other required design elements specified by the city engineer. (Ord. 163 §7.12, 1981)

16.32.060 Annexed properties. In any annexation area, all roads providing access to more than four parcels shall be dedicated to the public. The width shall be sufficient to accommodate necessary street improvements and these streets shall be improved by the applicant to city standards before the annexation is finalized. (Ord. 163 §7.13, 1981)

16.32.070 Adjoining acreage. Where a subdivision adjoins acreage, streets, which may be extended in the event of the subdivision of the adjoining acreage, shall be required to be provided through to the boundary line of the tract, and a provision for a temporary cul-de-sac may be required. (Ord. 163 §7.14, 1981)

16.32.080 Dead-end streets. Existing dead-end streets in adjoining and continuous territory shall be extended into the subdivision with a continuation of the centerline of the existing street. In such cases in which straight continuations are not reasonably possible, the city engineer shall approve the design. Whenever a dead-end street is permitted, it shall not exceed four hundred feet in length and shall have a circular end with a minimum radius of forty feet of right-of-way. (Ord. 163 §7.15, 1981)

16.32.090 Soils test. The subdivider, at his expense, shall make tests of the soil over which the surfacing and base is to be constructed and furnish the test reports to the city engineer along with a structural design of the road. This structural design should include typical cross-sections of all work to be completed. (Ord. 163 §7.16, 1981)

16.32.100 Curbs--Gutters--Sidewalks. The width, location and grade of curbs, gutters and sidewalks shall be constructed in accordance with standard specifications of the city and in conformance with the general plan policies. (Ord. 163 §7.20, 1981)

16.32.110 Concrete sidewalks--Required. Curbs and concrete sidewalks may be required only on collector streets, as defined by the Trinidad general plan. Concrete sidewalks shall not be permitted or required except where expressly proposed in the Trinidad general plan. (Ord. 163 §7.21, 1981)

16.32.120 Traffic signs. Street and traffic signs, signals, pavement markings, and street name signs, conforming to standards established by the city engineer, shall be installed by the subdivider at all intersections. (Ord. 163 §7.30, 1981)

16.32.130 Electroliers. Installation of electroliers may be required and the location must be shown on construction plans. It shall be the responsibility of the subdivider to make necessary arrangements with the serving utility for the installation of a utility-owned and maintained street lighting system. The subdivider will be responsible for the installation costs and user charges for an initial one-year period. (Ord. 163 §7.31, 1981)

16.32.140 Improvement plans. Before beginning construction of any improvements, a complete set of plans, profiles, cross-sections, and other drawings for all improvements, together with a complete set of detailed specifications for the work, shall be submitted to the city clerk for review. All work must meet standard specifications of the city. No work shall commence without plans signed by the city engineer. (Ord. 163 §7.40, 1981)

16.32.150 Grading and erosion control. Every map pursuant to this title shall be conditioned on compliance with the requirements for grading as required in the Trinidad grading ordinance and erosion control, including the prevention of sedimentation or damage to off-site property as imposed by the city engineer. (Ord. 163 §7.50, 1981)

16.32.160 Frontage. Lots without frontage on a city street will not be permitted, except as may be approved by the planning commission. In no case shall access to a parcel be less than a twenty-five foot wide strip of land, right-of-way or easement, for access and utilities. (Ord. 163 §7.60, 1981)

16.32.170 Inspections. A. The city staff shall, upon request, make such inspections deemed as necessary to insure that all improvements are in accordance with approved plans and specifications. This inspection shall occur within three working days of the request.

B. The city staff shall inform the applicant of mandatory inspections at the time the conditions of approval are issued. (Ord. 163 §7.70, 1981)

16.32.180 Water supply. The city must indicate, in writing, that water will be provided to all parcels within the subdivision. This shall be a condition of approval of the proposed subdivision. This means that water will be provided after the water system has extended by the subdivider. The city shall bear no expense in providing water to additional parcels of land created under this chapter. (Ord. 163 §7.80, 1981)

16.32.190 Public access easements. A. The subdivider shall provide for a dedication, for a period of twenty-one years, of a public easement for access to public resources where applicable. The subdivider may dedicate public access easements in addition to those required by this chapter.

B. Public access easements shall be required along the ocean shoreline from the mean high tide line up to the first line of terrestrial vegetation or a distance inland of twenty-five feet, whichever is greater, and a minimum twenty-five foot wide easement along any trail designated in the general plan affecting his land.

C. Public access easements shall be required for any subdivision which fronts upon a public waterway, river, stream, lake or reservoir as provided for in Article 3.5, Public Access to Public Resources, of the Subdivision Map Act. (Ord. 167 §14, 1980: Ord. 163 §7.90, 1981)

16.32.200 Open space easements. The subdivider shall dedicate open space easements as required in the open space and special environment zones of the Trinidad zoning ordinance and these easements shall be shown on the recorded subdivision map. (Ord. 163 §7.91, 1981)

# Chapter 16.36

## CORRECTION AND AMENDMENT OF MAPS

Sections:

16.36.010 Generally.
16.36.020 Error defined.
16.36.030 Errors of omission.
16.36.040 Map preparation.
16.36.050 Amending map review.
16.36.060 Filing of certificate of correction.

16.36.010 Generally. After a final map or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map:

A. To correct an error in any course or distance shown thereon;

B. To show any course or distance that was omitted therefrom;

C. To correct an error in the description of the real property shown on the map;

D. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;

E. To show the proper location or character of any monument which was shown at the wrong location or shown incorrectly as to its character;

F. To correct any other type of map error or omission as approved by the city engineer, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps. (Ord. 163 §8.00, 1981)

16.36.020 Error defined. As used in this chapter, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map. (Ord. 163 §8.01, 1981)

16.36.030 Errors of omission. Approval of maps on which there are errors of omission does not relieve the subdivider of the requirements of the Subdivision Map Act, the Trinidad general plan, this chapter, or any other city policy. (Ord. 163 §8.02, 1981)

16.36.040 Map preparation. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Section 66434 of the Subdivision Map Act, if a final map, or Section

66445 of the Subdivision Map Act, if a parcel map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission. (Ord. 163 §8.03, 1981)

16.36.050 Amending map review. The city engineer shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 66469 of the Subdivision Map Act, he shall certify to this fact on the amending map or certificate of correction. (Ord. 163 §8.04, 1981)

16.36.060 Filing of certificate of correction. The amending map or certificate of correction certified by the city engineer shall be filed in the office of the county recorder in which the original map was filed. Upon such filing, the county recorder shall index the names of the fee owners and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map. (Ord. 163 §8.05, 1981)

## Chapter 16.40

## VIOLATION--PENALTIES

Sections:

16.40.010 Conflict of interest.
16.40.020 Prohibitions.
16.40.030 Violation--Penalty.

16.40.010 Conflict of interest. When any provision of the Subdivision Map Act or of this title requires the performance of any act by a person in his official capacity who is also a subdivider, or an agent or employee thereof, such act shall be performed by some other person duly qualified therefor and designated to act by the city council. (Ord. 163 §9.03, 1981)

16.40.020 Prohibitions. A. No person shall offer to sell or lease, to contract to sell or lease, to sell or lease, or to finance any parcel or parcels of real property or to commence construction of any building for sale, lease or financing thereon, except for model homes, or to allow occupancy thereof, for which a final map is required by this

title or the Subdivision Map Act until such map thereof is in full compliance with the provisions of this title and the Subdivision Map Act and has been filed for record by the county recorder.

B. No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by this title or the Subdivision Map Act, until such map thereof is in full compliance with the provisions of this title and the Subdivision Map Act and has been filed for record by the county recorder.

C. Conveyances of any part of a division of real property for which a final or parcel map is required by this title or the Subdivision Map Act shall not be made by parcel or block number, initial or other designation unless and until such map has been filed for record by the county recorder.

D. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including this title) regulating the design and improvement of subdivisions in effect at the time the subdivision was established. (Ord. 163 §9.00, 1981)

16.40.030 Violation--Penalty. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this title shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail of the county of Humboldt for a term of not exceeding five months, or both. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. 163 §9.01, 1981)

ORDINANCE NO. 2001 - 01

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF TRINIDAD
AMENDING THE TRINIDAD MUNICIPAL CODE
PROVISIONS REGARDING THE DESIGN ASSISTANCE COMMITTEE
AND MAKING CLARIFYING CHANGES

TITLE 17: Zoning

CHAPTER 08: Definitions
CHAPTER 16: OS Zone
CHAPTER 20: SE Zone
CHAPTER 28: SR Zone
CHAPTER 32: UR Zone
CHAPTER 36: PD Zone
CHAPTER 56: Specific Use Regulations
CHAPTER 60: Design Review and View Preservation
CHAPTER 72: Variances, Conditional Use Permits and Design Review

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

Section 1: Title 17, Zoning, Chapter 8, Definitions, Section 190, Design Assistance Committee, of the Trinidad Municipal Code, is repealed. Section 2: Title 17, Zoning, Chapter 16, OS Zone, Section 070, is hereby amended as indicated by the following strike-through and bold language:

**SEC. 17.16.070 Maximum building height.**

In the OS zone the maximum building height is fifteen feet except that the planning commission may require a lesser height if necessary to accomplish the purposes of Section 17.16.060 and 17.16.080.

Section 3: Title 17, Zoning, Chapter 20, SE Zone, Section 060, is hereby amended as indicated by the following strike-through and bold language:

**SEC. 17.20.060 Maximum building height.**

Maximum building height in the SE zone is twenty-five feet, except that the planning commission may require a lesser height as provided in Chapter 17.60.

Section 4: Title 17, Zoning, Chapter 28, SR Zone, Section 070, is hereby amended as indicated by the following strike-through and bold language:

**SEC. 17.28.070 Maximum building height.**

Maximum building height in the SR zone is twenty-five feet, except that the planning commission may require a lesser height as provided in Chapter 17.60.

Section 5: Title 17, Zoning, Chapter 32, UR Zone, Sections 060 and 070, are hereby amended as indicated by the following strike-through and bold language:

**SEC. 17.32.060 Maximum yards.**

Unless modified by the planning commission as provided in Chapter 17.60, minimum yards in the UR zone are:

A. Front, twenty feet;
B. Rear, fifteen feet;
C. Side, five feet.

**SEC. 17.32.070 Maximum building height.**

Maximum building height in the UR zone is twenty-five feet, except that the planning commission may require a lesser height as provided in Chapter 17.60.

Section 6: Title 17, Zoning, Chapter 36, PD Zone, Section 060, is hereby amended as indicated by the following strike-through and bold language:

**SEC. 17.36.060 Maximum building height.**

Maximum building height is twenty-five feet, except that the planning commission may require a lesser height as provided in Chapter 17.60.

Section 7: Title 17, Zoning, Chapter 56, Specific Use Regulations, Section 160, is hereby amended as indicated by the following strike-through and bold language:

**SEC. 17.56.160 Signs.**

A. In all zones the following signs shall be permitted, provided that signs permitted in subdivisions 2 and 3 below shall be subject to review by the planning commission:

1. A residential nameplate bearing the name of the occupant and not exceeding two square feet; provided that three square feet shall be permitted for a residence with a home occupation;

2. Identifying sign and/or bulletin board for a church, school or other public or religious use, which may be indirectly lighted, not exceeding thirty-two square feet in area and located on the premises, provided that is no closer than ten feet from any property line;

3. No more than two signs advertising a subdivision or housing development located on the premises thereof, unilluminated not exceeding thirty-two square feet in area each and not less than ten feet from any property line;

4. Unilluminated signs not exceeding a total area of six square feet, and not more than two in number pertaining to the sale or lease of residential property and unilluminated signs not exceeding thirty-two square feet and not more than two in number pertaining to the sale or lease of land in the PD, VS and C zones;

5. Public safety and directional signs not exceeding two square feet including no trespassing signs; political campaign signs and posters, provided such signs and posters are removed not more than thirty days after the date of the election;

6. One temporary portable sign not exceeding thirty-two square feet in area, during one fifteen-day period in any calendar year.

B. In the PD, VS and C zones on-premise signs shall be permitted, subject to the following regulations and the review of the planning commission:

1. The total advertising area permitted for any parcel of land shall be one square foot for each foot of street frontage; provided that any parcel shall be permitted at least twenty square feet of advertising area, but in no case shall the advertising area for any parcel exceed three hundred square feet. No individual sign established after the adoption of the ordinance codified in this title shall be greater than fifty square feet in area;

2. No freestanding sign shall exceed the maximum building height for the zone in which the sign is located. signs attached to buildings shall not project more than three feet above the roof line;

3. Signs projecting over public rights-of-way shall not exceed thirty-two square feet in area;

shall not project more than five feet, and shall not be closer than fourteen feet to the ground unless attached to the underside of a projecting canopy, in which case the sign shall not be more than six square feet in area and shall not be closer than nine feet to the ground or sidewalk;

4. Signs that rotate, blink, flash, sparkle, resemble traffic control signs, obstruct the visibility of any traffic sign, and portable signs in a public right-of-way are prohibited. Non-appurtenant signs are prohibited except that a maximum of two directional signs of not more than four square feet each may be permitted adjacent to primary collector streets subject to obtaining a use permit, and provided that multiple identification signs included within a community business directory shall be permitted in the C zone, subject to a use permit.

Section 8: Title 17, Zoning, Chapter 60, Design Review and View Preservation, Sections 020, 030, 040, 050 and 060 are hereby amended as indicated by the following strike-through and bold language:

**SEC. 17.60.020. Purpose.**

The small scale of the community and its unique townsite, affording spectacular views of the coastline and ocean horizon, define the character of Trinidad. Maintaining this character is essential to the continued desirability and viability of the city. The planning commission will review new developments to ensure their consistency with the character of the city and minimize their impact on important vistas.

**SEC. 17.60.030 Approval required for construction.**

Relocation, construction, remodeling or additions to structures, and alterations of the natural contours of the land shall not be undertaken until approved by the planning commission. Approval need not be obtained for remodeling that does not affect the external profile or appearance of an existing structure. Approval need not be required for exterior painting and maintenance, accessory structures of less than five hundred square feet in floor area and not less than fifteen feet in height, changes in landscaping, and site excavation or filling more than one hundred feet from any perennial stream or the mean high tide line which will not change the existing elevation more than two feet at any point, and if

exempt from a coastal development permit as specified in Section 17.72.070 of the zoning title and pursuant to any applicable categorical exclusions.

**SEC. 17.60.040 Design criteria.**

The planning commission shall be guided by the following criteria when evaluating land form alterations and construction of structure:

A. The alternations of natural land forms caused by cutting, filling and grading shall be minimal. Structures should be designed to fit the site rather than altering the land form to accommodate the structure.

B. Structures in, or adjacent to open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.

C. Materials and colors used in construction shall be selected for compatibility both with the structural system of the building and with the appearance of the building's natural and manmade surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.

D. Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.

E. On-premises signs should be designed as an integral part of the structure and should complement or enhance the appearance of the surrounding area.

F. New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.

G. Off-premises signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should have a single design theme.

H. When reviewing the design of commercial or residential buildings, the planning commission shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:

1. Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.

2. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.

**SEC. 17.60.050 View protection criteria.**

The planning commission shall be guided by the following criteria when evaluating the impact of new development on public and private vistas of important scenic attractions:

A. Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.

B. Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.

C. The planning commission shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of

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the height or floor area of the residence, the planning commission, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction.

D. If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.

E. The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alternations or structural construction within on hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards.

**SEC 17.60.060 Review procedure.**

The planning commission shall prescribe application forms and information requirements for use by those proposing activities subject to design assistance review. If a use permit, coastal development permit or other approval is required by the planning commission or city council, the review of the design shall be subsequent to other permit considerations and may occur at the same meeting, subject to fulfillment of public notification requirements. Otherwise the procedure for submittal and consideration of the application shall be the same as for a use permit as provided in Chapters 17.68 through 17.76. Where view considerations are

involved, the applicant is encouraged to contact property owners within one hundred feet and show them the layout and profile of the proposed structure. The planning commission shall not approve any application unless it finds that all of the applicable criteria have been considered and the minimum adjustments required to achieve the objectives applicable to the area where the development is located.

Section 9: Title 17, Zoning, Chapter 72, Variances, Conditional Use Permits and Design Review, Sections 020, 050, and 130 are hereby amended as indicated by the following strike-through and bold language:

**SEC. 17.72.020. Required hearings.**

A. The planning commission or hearings officer shall consider all applications for variances and conditional use permits. The planning commission shall consider all applications for design review.

B. At least one public hearing shall be held on each application for a variance, conditional use permit or design review. Where a development involves applications for a combination of a variance, conditional use permit or design review, the required hearings may be scheduled concurrently.

C. The hearing shall be scheduled for the first regular planning commission or hearings officer meeting occurring more than ten days from the date of application. At the public hearing the planning commission or hearings officer shall hear any person interested in the proposal. The failure to act within ninety days of the date of the first hearing shall be deemed to be approval of the application on that date. The applicant may waive the time limitation in writing if additional time is needed to consider the application.

**SEC. 17.72.050 Imposition of conditions.**

In granting a variance, conditional use permit, or design review, the planning commission shall impose such conditions as deemed necessary to carry out the intent and purpose of this title.

**SEC. 17.72.130 Hearing notification.**

A. For actions initiated by one or more property owners for a variance, conditional use, design review

or zoning map amendment, the following notifiction shall be required:

1. a. The applicant shall furnish to the city clerk one stamped envelope addressed to the owner of each parcel of record within one hundred fet of each boundary of the subject property for variance, conditional use or design review applications and within three hundred feet of each boundary for amendments to the zoning map.

b. The envelopes may be addressed to "owner" at the mailing address of the parcel. the applicant shall ascertain the name and address of the owner from the records of the county assessor. the city clerk shall use the envelopes to mail notice of the hearing at least seven days before the date of the hearing for a variance, conditinal use permit, or design review, and at least ten working days before the date or a hearing on a zoning map amendment.

c. The notice shall indicate that an application has been filed, the number assigned to the application, a description of the development and its proposed location, and the date, time, and place of the hearing. In addition to mailing notice to all those for whom envelopes have been provided, the city clerk shall provide notice to the applicant and to all persons known or thought by the clerk to have a particular interest in the application, including the coastal commission staff.

2. Between the time the application is accepted for filing and the date when notices must be mailed, the applicant must post a notice, at a conspicuous place, easily read by the public and as close as possible to the subject property. The city shall furnish the applicant with a standardized form to be used for such posting. In addition, the applicant shall at the same time obtain copies of the hearing notice from the city clerk and shall distribute one to each place of business or residence in the notification area. If the applicant fails to so post the notice form, distribute notices, or to sign the declaration of posting and distribution no less than seven days prior to a variance, conditional use, or design review hearing, and at least ten working days prior to a zoning title amendment hearing, or it is determined that the application is

complete, the city clerk shall withdraw the application from consideration and shall not mail out the hearing notices.

B. For actions initiated by the planning commission or city council, the city clerk shall provide notice as prescribed above and shall post notice of the time, place and purpose of the public hearing for ten (10) days in three conspicious public places, to wit, the entrance to City Hall, Trinidad Post Office, and Trinidad Market; provided, however, that if the size of the subject area would require mailing notice to more than fifty property owners such notice may be inserted in the water bill mailing. The city clerk shall place in the file a written declaration of the means of notification used and certification of the date notification was mailed or posted. Other means of notification, in addition to that required herein, may be used by the planning commission if deemed advisable.

Section 10: This ordinance will take effect thirty (30) days after the date of its adoption.

Dated: January 9, 2002

ATTEST:

City Clerk, City of Trinidad

APPROVED:

Mayor, City of Trinidad

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2000-01, passed and adopted at a regular meeting of the City Council of the City of Trinidad, Humboldt County, California, on the 9th day of January, 2002, by the following vote:

AYES: Twoomey, Lin, Heyenga, Huff, Bartlett

NOES: None

ABSENT: None

City Clerk, City of Trinidad

# Title 17

## ZONING

Chapters:


17.04 General Provisions
17.08 Definitions
17.12 Establishment and Designation of Zones
17.16 OS Zone
17.20 SE Zone
17.24 RP Zone
17.28 SR Zone
17.32 UR Zone
17.36 PD Zone
17.40 VS Zone
17.44 C Zone
17.48 PR Zone
17.52 Combining Zones and MH Zone
17.56 Specific Use Regulations
17.60 Design Review and View Preservation
17.64 Nonconforming Uses and Structures
17.68 Amendments
17.72 Variances, Conditional Use Permits and Design Review
17.76 Enforcement--Violation--Penalties


## Chapter 17.04

## GENERAL PROVISIONS

Sections:


17.04.010 Adoption.
17.04.020 Short title.
17.04.030 Purpose.
17.04.040 Conformity with general plan.
17.04.050 Conflict of regulations.


17.04.010 Adoption. A. There is adopted a zoning ordinance of the city, as provided by Title Seven of the Government Code of the state. The ordinance codified in this title constitutes a precise plan for the use of land in conformity with the general plan and general plan standards.

B. The provisions of this title shall apply to all lands and waters and all owners of lands and waters within all the incorporated areas of the city. (Ord. 166 §1.01, 1979)

17.04.020 Short title. This title shall be known and cited as the "zoning ordinance of the city of Trinidad." (Ord. 166 §1.02, 1979)

17.04.030 Purpose. This title is adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, to provide a plan for sound and orderly development and to ensure social and economic stability within the various zones hereby established. In addition it is the purpose of this chapter to implement the policies and programs of the Trinidad general plan. (Ord. 166 §1.03, 1979)

17.04.040 Conformity with general plan. This title is based on, and is intended to be consistent with the policies, programs and land use designations of the Trinidad general plan. If the the Trinidad general plan is amended and is no longer consistent with this title, this title shall be amended so it is consistent with the Trinidad general plan as amended. Any amendments to this title adopted by the city council shall be consistent with the policies, programs and land use designations of the Trinidad general plan. (Ord. 166 §1.04, 1979)

17.04.050 Conflict of regulations. In addition to the regulations specified in this title for each of the principal zones, the general regulations set forth in Chapters 17.56 through 17.64 shall be applicable to each and every such zone. In the event of conflict between the particular regulations set forth in this title and the general regulations set forth in Chapters 17.56 through 17.64, the general regulations of Chapters 17.56 through 17.64 shall apply. (Ord. 166 §4.01(part), 1979)

## Chapter 17.08

## DEFINITIONS

Sections:

17.08.010 Construction.
17.08.020 Advertising area.
17.08.030 Aggrieved person.
17.08.040 Agriculture.
17.08.050 Bluff.
17.08.060 Building.
17.08.070 Building, accessory.
17.08.080 Building inspector.
17.08.090 Campground.
17.08.100 City, city council.
17.08.110 City clerk.

17.08.120 Coastal commission.
17.08.130 Coastal development permit.
17.08.140 Coastal zone.
17.08.150 Condominium.
17.08.160 Day care center.
17.08.170 DBH.
17.08.180 Density.
17.08.190 Design assistance committee.
17.08.200 Development.
17.08.210 Duplex.
17.08.220 Dwelling, multi-family.
17.08.230 Dwelling, single-family.
17.08.240 Dwelling, townhouse.
17.08.250 Dwelling unit.
17.08.260 Emergency.
17.08.270 Family.
17.08.280 Feasible.
17.08.290 Fence.
17.08.300 Fill.
17.08.310 Floor area, gross.
17.08.320 General plan.
17.08.330 Grade.
17.08.340 Guest house.
17.08.350 Height.
17.08.360 Home occupation.
17.08.370 Kennel.
17.08.380 Lot.
17.08.390 Lot area.
17.08.400 Lot, corner.
17.08.410 Lot frontage.
17.08.420 Lot, interior.
17.08.430 Lot lines.
17.08.440 Lot line, rear.
17.08.450 Lot, nonconforming.
17.08.460 Mobile home.
17.08.470 Mobile home park.
17.08.480 Motel, inn.
17.08.490 New.
17.08.500 Nonconforming.
17.08.510 Off-street parking.
17.08.520 Off-street loading.
17.08.530 Ownership.
17.08.540 Person.
17.08.550 Public works project.
17.08.560 Recreation, commercial.
17.08.570 Recreational vehicle or RV.
17.08.580 Rest home.
17.08.590 Servant's quarters.
17.08.600 Services, personal and professional.
17.08.610 Sign.
17.08.620 Sign, freestanding.
17.08.630 Sign, off-premise.

17.08.640 Parking lot, public.
17.08.650 Sign, on-premise.
17.08.660 Story.
17.08.670 Street.
17.08.680 Structure.
17.08.690 Structure, accessory.
17.08.700 Use.
17.08.710 Use, accessory.
17.08.720 Use, principal permitted.
17.08.730 Yard.
17.08.740 Yard, front.
17.08.750 Yard, rear.
17.08.760 Yard, side.
17.08.770 Zone.

17.08.010 Construction. A. Unless the context otherwise requires, the definitions set forth or otherwise provided for in this chapter shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," and the word "shall" is mandatory.

B. The definitions included in Appendix A of the ordinance codified in this chapter shall constitute supplementary definitions to be used in the interpretation and construction of this title. (Ord. 166 §§2.02, 2.03, 1979)

17.08.020 Advertising area. "Advertising area" means the total number of square feet within the boundaries of a parallelogram or triangle which encloses the message, word, symbol, design, picture or visual medium visible on the surface of any sign. For signs where the letters of a word are each located on separate surfaces facing in the same direction the advertising area shall be the total number of square feet within the boundary of separate parallelograms enclosing each letter. Where a sign includes surfaces facing in different directions the advertising area shall be the largest total of advertising area visible from any one direction and in the case of a cylindrical and spherical shaped sign the advertising area shall be the largest cross section thereof. (Ord. 166 Appx. A(part), 1979)

17.08.030 Aggrieved person. "Aggrieved person" means any person who, in person or through a representative, appears at a public hearing of the city in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informs the city of the nature of his concerns or who for good cause is unable to do either. "Aggrieved person" includes the applicant for a permit. (Ord. 166 Appx. A(part), 1979)

17.08.040 Agriculture. "Agriculture" means the tilling of the soil, the raising of crops, horticulture, vitaculture, small livestock farming, dairying, and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes. (Ord. 166 Appx. A(part), 1979)

17.08.050 Bluff. "Bluff" means a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. The bluff may be simple planar or curved surface or it may be steplike in section. For the purposes of this title, "bluff" is limited to those features having vertical relief of ten feet or more. "Bluff edge" is the upper termination of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the edge shall be defined as that point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to the bluff edge. (Ord. 166 Appx. A(part), 1979)

17.08.060 Building. "Building" means any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal, or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each portion shall be deemed to be a separate building. (Ord. 166 Appx. A(part), 1979)

17.08.070 Building, accessory. An "accessory building" means a subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling, any building which is incidental to the conducting of any agricultural use shall be deemed an accessory building. (Ord. 166 Appx. A(part), 1979)

17.08.080 Building inspector. "Building inspector" means the building inspector of the city. (Ord. 166 §2.01 (part), 1979)

17.08.090 Campground. "Campground" means a lot on which two or more recreational vehicles or tents are parked or located and used for sleeping or eating purposes. (Ord. 166 Appx. A(part), 1979)

17.08.100 City, city council. "City" means the city of Trinidad; "city council" means the city council of Trinidad; "planning commission" means the planning commission of the city or a hearings officer appointed by the city council if the officer is acting in the commission's stead. (Ord. 160 §2.01(part), 1979)

17.08.110 City clerk. "City clerk" means the city clerk of the city of Trinidad. (Ord. 166 §2.01, 1979)

17.08.120 Coastal commission. "Coastal commission" means the California Coastal Commission as established in the California Coastal Act of 1976. (Ord. 166 Appx. A(part), 1979)

17.08.130 Coastal development permit. "Coastal development permit" means a permit for any development within the coastal zone that is required pursuant to Section 30600(a) of the California Coastal Act of 1976. (Ord. 166 Appx. A(part), 1979)

17.08.140 Coastal zone. "Coastal zone" means that land and water area of the state in the city limits of the city, specified on the maps identified and set forth in Section 17 of the California Coastal Act of 1976. (Ord. 166 Appx. A(part), 1979)

17.08.150 Condominium. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in a space in a residential, industrial or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property. (Ord. 166 Appx. A(part), 1979)

17.08.160 Day care center. "Day care center" means any type of group child day care program, including nurseries of children of working mothers; nursery schools for children under minimum age for education in public schools; privately conducted kindergartens when not part of a public or parochial school; programs covering after-school care for school children; all of which must be conducted in accordance with state and local requirements and shall not accommodate more than five children. (Ord. 166 Appx. A(part), 1979)

17.08.170 DBH. "DBH" means the diameter at breast height of a tree as computed by a licensed forester. (Ord. 166 Appx. A(part), 1979)

17.08.180 Density. "Density" means the total number of square feet in a lot divided by the number of dwelling units located on the lot. (Ord. 166 Appx. A(part), 1979)

17.08.190 Design assistance committee. "Design assistance committee" means the design assistance committee of the city of Trinidad. (Ord. 166 §2.01(part), 1979)

17.08.200 Development. "Development" means on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; removing dredging, mining, or extraction of any materials; change in the density or intensity of use of land; change in the intensity of use of water, or of access thereto; 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 purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). (Ord. 166 Appx. A(part), 1979)

17.08.210 Duplex. "Duplex" means a freestanding building designed for and/or occupied by two families living, independently of each other and with individual and separate cooking facilities. (Ord. 166 Appx. A(part), 1979)

17.08.220 Dwelling, multi-family. "Dwelling, multi-family" means a building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building including apartment houses, but not including transient accommodations. (Ord. 166 Appx. A(part), 1979)

17.08.230 Dwelling, single-family. "Dwelling, single-family" means a freestanding building designed for and/or occupied exclusively by one family to include mobilehomes on a foundation which conform to the National Mobile Home Construction and Safety Standards Act of 1974 and Chapter 29 of the UBC, 1979 edition. (Ord. 84-180 §6(part), 1984: Ord. 175 §5, 1981: Ord. 166 Appx. A(part), 1979)

17.08.240 Dwelling, townhouse. "Townhouse dwelling" means a dwelling unit with a ground level story located in a

building which includes two or more such dwelling units and each dwelling unit together with the underlying lot, is owned separately from any other dwelling unit and lot. (Ord. 166 Appx. A(part), 1979)

17.08.250 Dwelling unit. "Dwelling unit" means one room, or a suite of two or more rooms in a building designed for, intended for, or used by one family, which family lives, sleeps and cooks therein and which unit has one kitchen or kitchenette. (Ord. 166 Appx. A(part), 1979)

17.08.260 Emergency. "Emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. (Ord. 84-180 §6(part), 1984)

17.08.270 Family. "Family" means one person; or two or more persons; or a group not in excess of five persons living together as a single housekeeping unit. (Ord. 90-204 §2(T), 1990; Ord. 166 Appx. A(part), 1979)

17.08.280 Feasible. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. (Ord. 166 Appx. A(part), 1979)

17.08.290 Fence. "Fence" means a masonry wall, or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of screening, enclosing space or separating parcels of land, but not including retaining walls. (Ord. 166 Appx. A(part), 1979)

17.08.300 Fill. "Fill" means earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed on any lands, including submerged areas. (Ord. 166 Appx. A(part), 1979)

17.08.310 Floor area, gross. "Gross floor area" means the enclosed area of a building measured from an exterior surface to exterior surface, but excluding the following: exterior balconies and galleries covered but not enclosed; patios, atriums and the like if not covered; common use areas for all tenants; garages and carports; major mechanical equipment rooms. (Ord. 166 Appx. A(part), 1979)

17.08.320 General plan. "General plan" means the Trinidad general plan, as amended, including the seismic safety, public safety, noise and scenic highway elements adopted in 1975 and the following elements adopted in 1976: land use (including sections on existing land use, commercial development, and visitor accommodations), circulation,

housing, open space and conservation (including sections on unstable slopes, soil characteristics, water resources, and biological resources), recreation, public services and community design. (Ord. 166 Appx. A(part), 1979)

17.08.330 Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. (Ord. 166 Appx. A(part), 1979)

17.08.340 Guest house. "Guest house" means a structure accessory to a dwelling with sleeping and bathroom facilities that is not continuously occupied for residential purposes, and lacking any kitchen facilities. (Ord. 166 Appx. A(part), 1979)

17.08.350 Height. "Height" means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. (Ord. 166 Appx. A(part), 1979)

17.08.360 Home occupation. "Home occupation" means a use customarily conducted within a dwelling or accessory building by the inhabitants of the dwelling and which use is clearly incidental and secondary to the use of the premises for dwelling purposes and does not change the character of the dwelling or premises. (Ord. 166 Appx. A(part), 1979)

17.08.370 Kennel. "Kennel" means any premises, except those accessory to an agricultural use, where five or more small domestic animals, not sick or injured, are boarded for compensation or cared for or trained for hire, or are kept for sale or breeding purposes. (Ord. 166 Appx. A(part), 1979)

17.08.380 Lot. "Lot" means a tract of land lawfully established and officially recorded in the county assessor's office, which constitutes a unit of land under single ownership. (Ord. 166 Appx. A(part), 1979)

17.08.390 Lot area. "Lot area" means the total horizontal area included within lot lines. (Ord. 166 Appx. A(part), 1979)

17.08.400 Lot, corner. "Corner lot" means a lot at the junction of and abutting on two or more intersecting streets where the angle of intersection is one hundred thirty degrees or less. (Ord. 166 Appx. A(part), 1979)

17.08.410 Lot frontage. "Lot frontage" means the line separating a lot from the street, in the case of an interior lot, and the line separating the narrowest street frontage

from the street in the case of a corner lot. (Ord. 166 Appx. A(part), 1979)

17.08.420 Lot, interior. "Interior lot" means a lot other than a corner lot. (Ord. 166 Appx. A(part), 1979)

17.08.430 Lot lines. "Lot lines" means the lines bounding a lot as defined in this chapter. (Ord. 166 Appx. A(part), 1979)

17.08.440 Lot line, rear. "Lot line, rear" means the boundary of a lot opposite and most nearly parallel to the front lot line. (Ord. 166 Appx. A(part), 1979)

17.08.450 Lot, nonconforming. "Lot, nonconforming" means any lot existing and recorded as a separate parcel in the office of the county assessor at the effective date of the ordinance codified in this title which does not conform to the area or width requirements of the district in which it is located or does not conform to the subdivision regulations of the city. (Ord. 166 Appx. A(part), 1979)

17.08.460 Mobile home. "Mobile home" means a dwelling originally equipped with an axle and wheels, without motor powers, with more than two hundred fifty-six square feet of floor area, and complying with the construction requirements of the state for such units. (Ord. 166 Appx. A(part), 1979)

17.08.470 Mobile home park. "Mobile home park" means a lot on which two or more mobile homes are located and used for sleeping, cooking and eating purposes. (Ord. 166 Appx. A(part), 1979)

17.08.480 Motel, inn. "Motel, inn" means a building or group of buildings which is occupied or intended for occupancy by six or more unrelated individuals and to whom rooms are rented for sleeping purposes, with or without meals, and in addition is not used for the service of meals to persons not residing in the building. (Ord. 166 Appx. A(part), 1979)

17.08.490 New. "New" means any use established, building or structure constructed, development undertaken, or lot created after the effective date of the ordinance codified in this title. (Ord. 166 Appx. A(part), 1979)

17.08.500 Nonconforming. "Nonconforming" means a structure and/or land use which was lawfully established but which does not now conform with the land use, yard, height, or other requirements and conditions of this chapter. (Ord. 166 Appx. A(part), 1979)

17.08.510 Off-street parking. "Off-street parking" means a site, or portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives and landscaped areas. (Ord. 166 Appx. A(part), 1979)

17.08.520 Off-street loading. "Off-street loading" means a site, or portion of a site, devoted to the loading or unloading of vehicles, including loading berths, aisles, access drives, and landscaped areas. (Ord. 166 Appx. A(part), 1979)

17.08.530 Ownership. "Ownership" means ownership of property or possession thereof under a contract to purchase or under a lease, the term of which is not less than ten years by a person or persons, firm, corporation, or partnership (individually, jointly, in common, or in any other manner), whereby such property is under single or unified control. The term shall include condominium ownership. The term "owner" shall be deemed to mean the person, firm, corporation, or partnership, holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act for the owner. (Ord. 166 Appx. A (part), 1979)

17.08.540 Person. "Person" means any individual, public, or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties. (Ord. 166 Appx. A (part), 1979)

17.08.550 Public works project. "Public works project" means any project by a public agency that is included in Section 30114 of the California Coastal Act of 1976 and any energy facility development within the meaning of Section 30197 of the California Coastal Act of 1976. (Ord. 166 Appx. A (part), 1979)

17.08.560 Recreation, commercial. "Commercial recreation" means recreation facilities open to the general public for a fee, or restricted to members, when operated for profit as a business. (Ord. 166 Appx. A(part), 1979)

17.08.570 Recreational vehicle or RV. "Recreational vehicle or RV" means a licensed vehicle, with or without motor power, with less than two hundred fifty six square feet of floor area designed as a recreational residence and equipped for cooking and eating and/or sleeping. (Ord. 166 Appx. A(part), 1979)

17.08.580 Rest home. "Rest home" means a structure operated as a lodging house in which nursing, dietary, and

other personal services are rendered to no more than six convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided. (Ord. 166 Appx. A(part), 1979)

17.08.590 Servant's quarters. "Servant's quarters" means a dwelling unit, with a kitchen, accessory to a single family dwelling occupied by an employee of the landowner who manages or otherwise cares for the owner's premises. (Ord. 166 Appx. A(part), 1979)

17.08.600 Services, personal and professional. "Services, personal and professional" means beauty and barber shops; offices for doctors, dentists and others engaged in the human healing arts, provided no overnight care is given; offices for engineers, attorneys, architects, real estate sales, insurance, travel agencies, ambulance services, bail bonds, art and photography studios, and other such services which in the opinion of the planning commission are similar to the above, and do not involve the sale or repair of merchandise or equipment. (Ord. 166 Appx. A(part), 1979)

17.08.610 Sign. "Sign" means any message, word, symbol, design, picture or visual medium which is intended to draw attention to a product, service, business, person, institution, location and is placed or painted on the ground, or on any tree, wall, fence, rock, structure or thing whatsoever and place thereon whether indoor or outdoor, so as to be visible from off-premises, exclusive of legal notices, safety and directional signs posted by public agencies. (Ord. 166 Appx. A(part), 1979)

17.08.620 Sign, freestanding. "Sign, freestanding" means a sign which is supported by one or more uprights, poles, or braces in or upon the ground, and which is self-supporting in a fixed location and not attached to a building or structure. (Ord. 166 Appx. A(part), 1979)

17.08.630 Sign, off-premise. "Off-premise sign" means a sign other than an on-site sign and includes signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business. (Ord. 166 Appx. A(part), 1979)

17.08.640 Parking lot, public. "Public parking lot" means an open area, other than a street or alley, used for the parking or storage of vehicles, and available for public use, for compensation. (Ord. 166 Appx. A(part), 1979)

17.08.650 Sign, on-premise. "On-premise sign" means a sign relating in its subject matter to accommodations, services, commodities, or activities on the premises upon which it is located as distinguished from a sign which directs attention to or advertises an occupancy, accommodation, service, or activity supplied or originating on other premises. (Ord. 166 Appx. A(part), 1979)

17.08.660 Story. "Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, the space between the floor and the ceiling next above it. (Ord. 166 Appx. A(part), 1979)

17.08.670 Street. "Street" means land owned and designated by the city, Humboldt County, or the state of California as a public thoroughfare and which affords the primary means of access to abutting property. (Ord. 166 Appx. A(part), 1979)

17.08.680 Structure. "Structure" means anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. (Ord. 166 Appx. A(part), 1979)

17.08.690 Structure, accessory. "Accessory structure" means a detached building or structure, other than a sign, the use of which is accessory to the use of the lot. (Ord. 166 Appx. A(part), 1979)

17.08.700 Use. "Use" means the purpose for which either land or water or a structure thereon is designed, arranged, or intended, or for which it is, or may be, occupied or maintained. (Ord. 166 Appx. A(part), 1979)

17.08.710 Use, accessory. "Accessory use" means a subordinate use which is customarily incidental to the primary use of the premises, and which does not alter or change the character of the premises. (Ord. 166 Appx. A(part), 1979)

17.08.720 Use, principal permitted. "Principal permitted use" means the primary use of land or of a main building which use is intrinsically compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee, or other person who has legal right to use the land has a vested right to conduct such principal permitted use in accordance with the other zoning regulations without securing special permission therefor, subject only to design and environmental impact review procedures. (Ord. 166 Appx. A(part), 1979)

*TRINIDAD CITY HALL*
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

*Chi-Wei Lin, Mayor*
*Gabriel Adams, City Clerk*

# ORDINANCE 2006-01

## AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING THE ZONING MAP, SECTION 17.12.040 OF THE ZONING ORDINANCE, AND THE LAND USE MAP, PLATE 1B OF THE GENERAL PLAN OF THE CITY OF TRINIDAD REZONING AND REDESIGNATING A VACANT PARCEL OF LAND AT MAIN AND PATRICKS POINT DRIVE (APN: 042-051-34) FROM COMMERCIAL (C) TO PUBLIC AND RELIGIOUS (PR)

**THE CITY COUNCIL OF THE CITY OF TRINIDAD DOES ORDAIN AS FOLLOWS:**

**Section 1**: A new zoning map (Exhibit A) for the City of Trinidad is hereby adopted.

**Section 2**: A new land use map (Exhibit B) for the City of Trinidad is hereby adopted.

**PASSED, APPROVED, AND ADOPTED** on this 28th day of February, 2006, by the following vote:

| | |
|---|---|
| **Ayes:** | Marlow, Lin, Heyenga, Cuthbertson |
| **Noes:** | None |
| **Absent:** | Bowman |
| **Abstain:** | None |

**Attest:**

**Gabriel Adams**
Trinidad City Clerk

**Chi-Wei Lin**
Mayor

**First Reading**: Tuesday, February 28, 2006 -

**Second Reading:** Wednesday, March 08, 2006

17.08.730 Yard. "Yard" means an open space abutting a lot line unobstructed and unoccupied from the ground upward except for certain exceptions allowed herein. A yard shall be measured at right angles to the lot line and shall extend into the lot to the exterior wall of the building. (Ord. 166 Appx. A(part), 1979)

17.08.740 Yard, front. "Front yard" means a yard extending the full width of the lot abutting the front lot line. (Ord. 166 Appx. A(part), 1979)

17.08.750 Yard, rear. "Rear yard" means a yard extending the full width of the lot abutting the rear lot line. (Ord. 166 Appx. A(part), 1979)

17.08.760 Yard, side. "Side yard" means a yard which extends from the front yard, or front lot line where no front yard exists, to the rear yard or rear lot line where no rear yard exists and abutting the side lot line. (Ord. 166 Appx. A(part), 1979)

17.08.770 Zone. "Zone" means a portion of the territory of the city within which certain uniform regulations and requirements or combinations thereof apply under the provisions of these regulations. (Ord. 166 Appx. A(part), 1979)

## Chapter 17.12

## ESTABLISHMENT AND DESIGNATION OF ZONES

Sections:

17.12.010 Use restrictions.
17.12.020 Principal and combining zones.
17.12.030 Location and boundaries of zones.
17.12.040 Zoning map.
17.12.050 Determination of boundaries.
17.12.060 Limitations on structures and lots.
17.12.070 Zoning of annexed property.

17.12.010 Use restrictions. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, water, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such land, water, building or premises is located. (Ord. 166 §3.01, 1979)

17.12.020 Principal and combining zones. The several principal zones into which the city may be divided shall be those included in Chapters 17.16 through 17.48. The several combining zones into which the city may further be divided shall be those included in Chapter 17.52. (Ord. 166 §3.02, 1979)

17.12.030 Location and boundaries of zones. The designation, location and boundaries of the principal and combining zones shall be as delineated on the zoning map of the city. The map and all notations, references, data and other information shown thereon shall be a part of these regulations and subject thereto, and such map shall constitute Section 17.12.040. (Ord. 166 §3.03, 1979)

17.12.040 Zoning map. This section consists of the zoning map of the city, which map may be amended in whole or in part in accordance with the amendment procedure set forth in Chapters 17.68 through 17.76 hereof. A copy of the zoning map shall be kept on file in the office of the city clerk. (Ord. 166 §3.04, 1979)

17.12.050 Determination of boundaries. Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

A. Streets or Alleys. Where the indicated zoning boundaries are approximately street or alley lines, the center lines of such streets or alleys shall be construed to be the boundaries.

B. Lot Lines. Where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the boundaries of the zone.

C. Vacated Street or Alley. In the event a dedicated street or alley is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

D. Where a boundary line is not determined by any of the above, the zoning boundary shall be determined by using the scale contained on the zoning map. If uncertainty still exists the boundary line shall be established by the planning commission after notifying all affected landowners and obtaining their comments. (Ord. 166 §3.05, 1979)

17.12.060 Limitations on structures and lots. No building or part thereof shall be erected nor shall any existing building be altered, enlarged or moved into any zone in any manner not in compliance with the minimum yards, maximum building height, maximum density and other regulations

ORDINANCE NO. 97-3

AN ORDINANCE OF THE CITY OF TRINIDAD AMENDING SECTION 17.16.060, 17.20.130, 28.090 AND 17.32.090 OF THE MUNICIPAL CODE RELATING TO REQUIRED GEOLOGIC STUDIES

BE IT ORDAINED by the City Council of the City of Trinidad as follows:

Section 1. SectionS 17.16.060, 17.20.130, 17.28.090 AND 17.32.090 of the Trinidad Municipal Code are amended to read as follows:

Wherever the phrase "registered geologist or a certified engineering geologist" is used in these sections, substitute the phrase "registered geologist or professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist."

Section 2.

This ordinance shall become effective thirty (30) days after its passage.

Passed, approved, and adopted this 8th day of October, 1997, by the following vote:

AYES: Dobree, Hogan, Pinske, Saunders, Sisneros

NOES: none

ABSENT: none

ATTEST:

Dana Ciraso

City Clerk
City of Trinidad

APPROVED:

Glenn W Saunders

Mayor
City of Trinidad

for the zone in which such building is located, nor shall any parcel of land be divided or the boundaries thereof be adjusted in any manner not in compliance with the minimum lot area, minimum yards, maximum density and other regulations for the zone in which such lot is located, except as provided in Chapters 17.56 through 17.64. No yard or other space provided about any building for the purposes of complying with the provisions of these regulations shall be considered as providing a yard or open space for more than one building or lot unless specifically permitted elsewhere in these regulations. (Ord. 166 §3.06, 1979)

17.12.070 Zoning of annexed property. A. Any lands or waters which shall be annexed shall be automatically zoned the principal zone intended to apply to the land use classification applied to the annexed property in the Trinidad general plan; provided that any portion of the annexed area with a land use classification of suburban residential shall be zoned suburban residential with a special building site of five acres subject to subsection B of this section.

B. The owner of any land, prior to filing a petition for annexation to the city, or in the event a proposed annexation shall be instituted by the city or other property owners, may file an application for prezoning by complying with the provisions, procedures and paying the fees set forth in Chapters 17.68 and 17.76 for amendments to the zoning title. The zoning established by the city shall be submitted to the California Coastal Commission for approval. The zoning approved by the city and the Coastal Commission shall become effective at the same time that the annexation becomes effective. Required fees may be waived by the city council when the the annexation is instituted by the city. (Ord. 166 §3.07, 1979)

## Chapter 17.16

## OS ZONE

Sections:

17.16.010 Established--Purpose.
17.16.020 Principal permitted uses.
17.16.030 Uses permitted with a use permit.
17.16.040 Minimum lot area.
17.16.050 Maximum density.
17.16.060 Nondwelling structures.
17.16.070 Maximum building height.
17.16.080 Cultural resources.

17.16.010 Established--Purpose. The open space zone is intended to be applied to areas designated open space in the Trinidad general plan. The purpose of this zone is to maximize preservation of the natural and scenic character of these areas including protection of important wildlife habitat and cultural resources, and to ensure that the health and safety of the public is ensured through careful regulations of development in areas affected by geologic instability, steep slopes, tsunami and flood hazards. The following regulations in this chapter shall apply in all open space zones. (Ord. 166 §4.02(part), 1979)

17.16.020 Principal permitted uses. Principal permitted uses in the OS zone are:

A. Public and private open space, wildlife habitat;

B. Low-intensity recreation on publicly controlled lands and waters such as beachcombing, hiking, fishing;

C. Pedestrian travel within public access easements consistent with the trail system identified in the general plan;

D. Removal of vegetation posing an imminent hazard to structures or people if approved by the city engineer;

E. Picnicking on public lands designated for such use. (Ord. 166 §4.02(A), 1979)

17.16.030 Uses permitted with a use permit. Uses permitted in the OS zone with a use permit are:

A. Pedestrian trails, vista points, including improvements to existing facilities;

B. Shoreline related recreation uses, including improvements to existing facilities;

C. Removal of vegetation including timber;

D. Structures and improvements, such as seawalls and revetments, related to the protection or maintenance of scenic and cultural resources, beaches, coastal bluffs and buildings threatened by natural processes;

E. Structures accessory to uses and buildings existing within the open space zone at the time the ordinance codified in this title is adopted;

F. Wildlife habitat management and scientific research activities and related temporary structures. (Ord. 166 §4.02(B), 1979)

17.16.040 Minimum lot area. Division of a lot shall only be permitted for the purpose of a public agency acquiring the portion of a lot zoned open space provided that any portion of a lot remaining in private ownership shall be of an area not less than the minimum lot area requirement for the zone in which such a lot is located. (Ord. 166 §4.02(C)(1), 1979)

17.16.050 Maximum density. In the OS zone new dwellings are not permitted. (Ord. 166 §4.02(C)(2), 1979)

17.16.060 Nondwelling structures. A. Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the OS zone shall only be permitted on lands designated as unstable or of questionable stability on Plate 3 of the general plan if analysis by a registered geologist or engineering geologist, at the applicant's expense, demonstrates to the satisfaction of the planning commission that construction of the development will not significantly increase erosion and slope instability. The geologist's report shall include but not be limited to impacts from construction activities such as grading, drainage (from septic leachfields, on-site water use, increased runoff from impervious surfaces), roadways and vegetation disturbance.

B. In addition to satisfying the above requirements, structures proposed within the OS zone shall also satisfy the applicable requirements in Sections 17.20.060 through 17.20.130. (Ord. 166 §4.02(C)(3), 1979)

17.16.070 Maximum building height. In the OS zone the maximum building height is fifteen feet except that the design assistance committee may require a lesser height if necessary to accomplish the purposes of Sections 17.16.060 and 17.16.080. (Ord. 166 §4.02(C)(4), 1979)

17.16.080 Cultural resources. Within the portion of the Tsurai Study Area zoned open space any soil disturbance, removal of vegetation, placement of temporary or permanent structures, or establishment of a use identified in Section 17.16.020(A) shall require a use permit. Except for a fence to protect burial grounds, no soil disturbance, removal of vegetation, structural improvements or use shall be permitted unless it has been approved by the city council, the state Historic Preservation Officer, the Trinidad Rancheria and the lineal descendants of Tsurai. (Ord. 166 §4.02(C)(5), 1979)

## Chapter 17.20

## SE ZONE

Sections:

17.20.010 Established--Purpose.
17.20.020 Principal permitted uses.
17.20.030 Uses permitted with a use permit.
17.20.040 Minimum lot area.

17.20.050 Maximum density.
17.20.060 Maximum building height.
17.20.070 Requirements in tsunami hazard area.
17.20.080 Requirements for structures on ocean bluffs.
17.20.090 Requirements for development on slopes and near bluffs.
17.20.100 Requirements for development in stream protection areas.
17.20.110 Requirements in Tsurai study area.
17.20.120 Requirements for open space protection.
17.20.130 Determination of development feasibility.

17.20.010 Established--Purpose. The special environment zone is intended to be applied to areas designated as special environment in the Trinidad general plan. The purpose of this zone is to maximize preservation of the natural and scenic character of these areas through minimizing alteration of natural land forms and vegetation and limiting the extent of development in areas affected by geologic instability, steep slopes, tsunami and flood hazards on the basis of on-site investigations. It is intended that development not be visible from public viewpoints more than necessary and that it have a natural appearance. This zone is also intended to provide necessary regulations for areas lying seaward of the mean high tide line. The following regulations shall apply in all special environment zones. (Ord. 168 §1, 1980: Ord. 167 §1, 1980; Ord. 166 §4.03(part), 1979)

17.20.020 Principal permitted uses. Principal permitted uses in the SE zone are:

A. Public and private open space, wildlife habitat;

B. Low-intensity recreation on publicly controlled lands and waters such as beachcombing, hiking, fishing;

C. Removal of vegetation posing an imminent hazard to structures or people if approved by the city engineer; and maintenance of existing private fire trails;

D. Home occupations as provided in Section 17.56.060;

E. Picnicking on public lands designated for such use. (Ord. 166 §4.03(A), 1979)

17.20.030 Uses permitted with a use permit. Uses permitted in the SE zone with a use permit are:

A. Pedestrian trails, vista points, including improvements to existing facilities; new fire trails provided the trail width is the minimum necessary and the location minimizes visibility from public viewpoints;

B. Single-family dwelling provided that all information required in Sections 17.20.040 through 17.20.130 is provided and the planning commission determines that a dwelling on the subject property is feasible and consistent with the purposes of the special environment zone;

C. Commercial fishing; mariculture; boat mooring, docking and related services; storage and processing of ocean produce; piers, breakwaters, harbor safety devices and structures, and uses incidental to a public boat harbor;

D. Wildlife habitat management and scientific research activities and related temporary structures. (Ord. 168 §1, 1980: Ord. 167 §1, 1980: Ord. 166 §4.03(B), 1979)

17.20.040 Minimum lot area. No new lots shall be created except that land within the SE zone may be included in a new lot if the new lot is partially in another zone and any building site on the lot is located partially or entirely within the other zone. (Ord. 167 §3, 1980: Ord. 166 §4.03(C)(1), 1979)

17.20.050 Maximum density. Maximum density in the SE zone is one dwelling per lot. (Ord. 166 §4.03(C)(2), 1979)

17.20.060 Maximum building height. Maximum building height in the SE zone is twenty-five feet, except that the design assistance committee may require a lesser height as provided in Section 17.56.190. (Ord. 166 §4.03(C)(3), 1979)

17.20.070 Requirements in tsunami hazard area. Except for harbor and public access facilities no new structures shall be located less than twenty feet above mean lower low water. When any development is proposed in the tsunami hazard area the developer shall obtain from the State Lands Commission a written determination that:

A. No state lands are involved in the development;

B. State lands are involved in the development and all permits required by the State Lands Commission have been obtained;

C. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination. (Ord. 166 §4.03(C)(4), 1979)

17.20.080 Requirements for structures on ocean bluffs. No structure shall be placed on, or extended beyond the face of a bluff and no tunnel or shaft shall be sunk into the bluff face, except that the following structures may be placed on the bluff face and alterations made thereto subject to obtaining a use permit:

A. Stairways, ramps and other structures or devices designed and intended to provide public access from the top of the bluff to the beach, provided that construction thereof shall not require excavation of the bluff face except to the extent necessary to accommodate placement of vertical or lateral support members;

B. Fences of nonview obscuring type along the bluff top, as reasonably necessary to deter trespassing or to discourage indiscriminate transverse upon the bluff face;

C. Shoreline protection structures shall be limited to structures which protect existing residences and business or commercial structures, vacant lots which through lack of protection threaten adjacent developed lots, public works, public beaches or coastal dependent uses. Structural protection measures may be permitted if nonstructural measures (i.e. building relocation or change in design) are infeasible from an engineering or economic standpoint. The protection structure shall be designed to meet adequate engineering standards based on the geologic hazards review or other detailed technical information. The city shall require the design of the structures to be reviewed and approved by the city engineer, and that the applicant shall be responsible for liability, maintenance and repair of the structure. The protection structure shall not:

1. Reduce or restrict public beach access,
2. Adversely affect shoreline processes and sand supply,
3. Increase erosion on adjacent properties,
4. Cause harmful impacts on wildlife and fish habitats.

The protection structure shall be placed as close as possible to the development requiring protection and shall be designed to minimize visual intrusion. (Ord. 84-180 §7, 1984; Ord. 166 §4.03(C)(5), 1979)

17.20.090 Requirements for development on slopes near bluffs. A. No building shall be located closer than thirty feet from any point on the bluff edge provided that a bluff setback in excess of thirty feet may be required by the planning commission following evaluation of geologic and soil reports.

B. Grading and excavation shall be the minimum necessary to complete the proposed development consistent with the following requirements:

1. The building site shall be graded to direct surface water away from the top of the bluff, or alternatively, drainage shall be handled in a manner satisfactory to the city which will prevent damage to the bluff by surface and percolating water;

2. No excavation, grading or deposition of natural materials shall be permitted on the beach or the face of the bluff.

C. No development shall be allowed on the portions of a lot with a slope of twenty percent or greater if such development would require:

1. An access road which requires cuts or fills in an area of slope greater than twenty percent,

2. A side slope road in areas of slope greater than twenty percent. The construction of such foundations shall not be allowed on slopes of fifteen percent or more.

D. The construction site including access to the building site shall be defined in the use permit and staked on the construction site. Removal of vegetation, compaction of soil and grading shall be minimized. No earth movement, stockpiling, traffic, or clearing is allowed outside of the construction site boundary. Excavated materials and construction materials shall be stored within the perimeter of the construction site boundary or be removed.

E. There shall be no excavation on the site before the planning commission has approved the location for the staking of the drives, parking sites, building sites and other areas to be be graded and filled. Underground utilities shall be confined to a single utility corridor whenever possible to minimize the area of disturbance.

F. Access roads and parking areas shall be constructed prior to any stockpiling of building materials or building construction. All subsequent vehicle travel on the site shall be limited to these areas except for completion of approved earthwork. Stockpiling of building materials shall also be confined to these surfaced areas.

G. Vegetation which is not to be disturbed shall be protected from mechanical damage and undesirable changes in water table, subsurface aeration, surface or subsurface drainage, or other adverse environmental conditions.

H. The siting of dwellings and appurtenant uses (including garden, lawn, orchard and outdoor storage areas) shall minimize the removal of vegetation, minimize alteration of natural landforms and adverse impacts on the scenic qualities of the area including minimizing the degree of visibility from beaches, shorelines, stream corridors, and other public viewpoints. (Ord. 166 §4.03(C)(6), 1979)

<u>17.20.100 Requirements for development in stream protection areas</u>. A. Soils and vegetation shall not be disturbed and no structures, septic tank systems, driveways, and trails shall be permitted within one hundred feet of any perennial stream, provided that if it can be demonstrated that no use of an existing parcel for a dwelling can be achieved without the location of necessary structures, driveways or trails within one hundred feet of the stream such facilities may be allowed, subject to the following conditions:

1. Soils and vegetation disturbance be minimized and any exposed soils be replanted with appropriate vegetation prior to the rainy season;

2. Any improvements not be damaged by a one-hundred-year flood or degrade water quality;

3. The dwelling not be located within the one-hundred-year floodplain.

B. No materials shall be placed within the one-hundred-year floodplain of any perennial stream or in any other location from which it would be susceptible to erosion and/or deposition into the waters.

C. Pollutants such as chemicals, fuels, lubricants, raw sewage, and other harmful waste generated during construction shall not be discharged into or alongside streams or into natural or manmade channels leading thereto.

D. Structures shall allow peak surface water flows from a one-hundred-year flood to pass with no significant impediment. All foundations for structures within the one-hundred-year flood area shall consist of pier or single span design. No structure shall interrupt the flow of groundwaters. (Ord. 166 §4.03(C)(7), 1979)

17.20.110 Requirements in Tsurai study area. Within the Tsurai study area as defined in the Trinidad general plan, development shall be sited and designed and reasonable mitigation measures shall be required to minimize adverse impacts on this cultural resource. The state Historic Preservation Officer shall be afforded the opportunity to identify the archeological and paleontological resources within the Tsurai study area and to suggest mitigation measures prior to approval of any development in the study area. (Ord. 166 §4.03(C)(8), 1979)

17.20.120 Requirements for open space protection. The natural character of all portions of a lot not within the designated construction site or the area identified for appurtenant uses shall be retained in its natural condition by means of an open space easement recorded prior to the commencement of construction of the development. The easement shall be between the land owner and the city or a city approved public trust. To the extent possible the easement should include all significant natural land forms such as bluffs and stream corridors, riparian vegetation and other vegetation required for wildlife habitat, major vegetation (trees over eighteen inches DBH), landmarks and rare or endangered vegetation, and public trails and accessways where appropriate. The easement shall grant to the public the right to pass and repass over the beach areas generally parallel to the mark of the mean high tide and wide enough to include all beach areas seaward of the first line of terrestrial vegetation and to provide a continuous trail,

unobstructed by high tides, around any physical obstacles. (Ord. 167 §4, 1980: Ord. 166 §4.03(C)(9), 1979)

17.20.130 Determination of development feasibility. A. A report by a registered geologist or a certified engineering geologist shall be provided at the applicant's expense as part of an application for a permanent structure, septic disposal system, driveway, parking area, or other use permitted in the SE zone within the unstable and questionable stability areas shown on Plate 3 of the general plan. Before the planning commission approves a development, it shall determine that the proposed development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible.

B. The report shall be based on an on-site inspection in addition to a review of the general character of the area using a currently acceptable engineering stability analysis method. The report shall take into consideration all potential impacts, including but not limited to impacts from construction activities such as grading, drainage (from septic leach fields, on-site water use, increased runoff from impervious surfaces), roadways, and vegetation disturbance.

C. The report shall contain a professional opinion stating the following:

1. The area covered in the report is sufficient to demonstrate the geotechnical hazards of the site consistent with the geologic, seismic, hydrologic and soil conditions at the site;

2. The extent of potential damage that might be incurred by the development during all foreseeable normal and unusual conditions, including ground saturation and shaking caused by the maximum credible earthquake;

3. The effect the project could have an the stability of the bluff;

4. How the project can be designed or located so that it will neither be subject to nor contribute to significant geologic instability through the lifespan of the project;

5. A description of the degree of uncertainty of analytical results due to assumptions and unknowns. (Ord. 166 §4.03(C)(10), 1979)

# Chapter 17.24

## RP ZONE

Sections:

17.24.010 Established--Purpose.
17.24.020 Principal permitted uses.
17.24.030 Uses permitted with a use permit.
17.24.040 Minimum lot area.
17.24.050 Maximum density.
17.24.060 Minimum yards.
17.24.070 Maximum building height.
17.24.080 Vegetation removal.

17.24.010 Established--Purpose. The resource production zone is intended to be applied in all areas designated as resource production in the Trinidad general plan. This zone is intended to preserve and protect prime agricultural and forest lands for continued resource production, harvesting and related uses. It also preserves and protects geologically unstable areas, stream water quality and riparian habitat associated with agricultural and forest lands in resource production areas. It also provides for incidental private recreational uses. Division of land or new uses that could increase fire and water pollution hazards or allow conflicts with recognized agricultural and forest practices are not intended. (Ord. 166 §4.04(part), 1979)

17.24.020 Principal permitted uses. Principal permitted uses in the RP zone are:

A. Timber production;

B. Harvesting of trees, provided they are not closer than one hundred feet to any perennial stream and are not within a public watershed;

C. Thinning and removal of immature trees;

D. Agriculture, including farming and grazing, except for feed lots and dairy processing;

E. Wildlife habitat management and scientific research activities;

F. Home occupations as provided in 17.56.060. (Ord. 166 §4.04(A), 1979)

17.24.030 Uses permitted with a use permit. Uses permitted with a use permit in the RP zone are:

A. Single-family dwelling for use by an on-site manager;

B. Tree harvesting or vegetation removal within one hundred feet of a perennial stream or within a public watershed as provided in Section 17.24.040(E);

C. Rock quarrying and similar extraction;

D. Animal feed lots; dairy processing. (Ord. 166 §4.04(B), 1979)

17.24.040 Minimum lot area. Minimum lot area for new lots in the RP zone is twenty acres. (Ord. 166 §4.04(C)(1), 1979)

17.24.050 Maximum density. Maximum density in the RP zone is one dwelling unit per twenty acres. (Ord. 166 §4.04(C)(2), 1979)

17.24.060 Minimum yards. Minimum yards in the RP zone is for front, rear and side, thirty feet. (Ord. 166 §4.04(C)(3), 1979)

17.24.070 Maximum building height. Maximum building height in the RP zone is twenty-five feet, provided that greater height may be permitted, subject to obtaining a use permit. (Ord. 166 §4.04(C)(4), 1979)

17.24.080 Vegetation removal. Removal of vegetation within one hundred feet of a perennial stream or within a public watershed may be permitted, provided a competent professional reviews the proposal and the planning commission determines that the proposal will not cause significant erosion, slippage, water quality degradation or habitat destruction. (Ord. 166 §4.04(C)(5), 1979)

## Chapter 17.28

## SR ZONE

Sections:

17.28.010 Established--Purpose.
17.28.020 Principal permitted uses.
17.28.030 Uses permitted with a use permit.
17.28.040 Minimum lot area.
17.28.050 Maximum density.
17.28.060 Minimum yards.
17.28.070 Maximum building height.
17.28.080 Vegetation removal.
17.28.090 Required geologic study.

17.28.010 Established--Purpose. The suburban residential zone is intended to be applied in areas designated as suburban residential in the Trinidad general plan. It provides for single-family residential development at low densities suited to the physical capacity of the land and consistent with the density of nearby development. Public

water systems are available or will be available in the near future. A second dwelling on a lot may be appropriate if the development design is consistent with neighborhood character and the lot has sufficient area to meet the density requirements for each dwelling. When combined with larger building site requirements, this zone may be suited to areas designated rural residential in the general plan. The following regulations in this chapter shall apply in all suburban residential or SR zones. (Ord. 166 §4.05(part), , 1979)

17.28.020 Principal permitted uses. Principal permitted uses in the SR zone are:

A. Single-family dwelling, subject to the requirements of Section 17.28.090;

B. Keeping of no more than four household pets on each lot;

C. Placement of one recreational vehicle on a vacant lot for use as a seasonal residence for not more than six months in any twelve-month period; provided that if occupied for more than one month in any twelve-month period, a water supply and wastewater disposal system shall be provided;

D. Home occupations as provided in Section 17.56.060. (Ord. 166 §4.05(A), 1979)

17.28.030 Uses permitted with a use permit. Uses permitted with a use permit in the SR zone are:

A. Agriculture, including farming, grazing and plant nursery;

B. A second dwelling unit, which may be in a duplex, or guesthouse, or servants' quarters;

C. Removal of trees more than twelve inches DBH, except as provided in this chapter. (Ord. 167 §5, 1980: Ord. 166 §4.05(B), 1979)

17.28.040 Minimum lot area. When a septic tank is to be the means of wastewater disposal, new lots shall include sufficient area to accommodate required yards, the intended use, and primary and reserve septic leach fields as determined from requirements in the wastewater disposal regulations adopted by the city. In no case shall a lot be less than twenty thousand square feet in area. (Ord. 166 §4.05(C)(1), 1979)

17.28.050 Maximum density. Maximum density in the SR zone is twenty thousand square feet of lot area per dwelling, guesthouse, or servants' quarters. (Ord. 166 §4.05(C)(2), 1979)

17.28.060 Minimum yards. Minimum yards in the SR zone are:

A. Front, thirty feet;

B. Rear, twenty feet;

C. Side, ten feet. (Ord. 166 §4.05(C)(3), 1979)

17.28.070 Maximum building height. Maximum building height in the SR zone is twenty-five feet, except that the design assistance committee may require a lesser height as provided in Section 17.56.190. (Ord. 166 §4.05(C)(4), 1979)

17.28.080 Vegetation removal. Trees may be removed if they are deceased or pose an imminent danger to people or structures, subject to the approval of the city engineer. Vegetation shall not be removed from a proposed building site until the site is approved by the building inspector. The building inspector shall approve the proposed site only if it involves removal of the fewest number of trees over twelve inches DBH. The minimum number of trees and shrubs over eight feet in height may be removed for the purpose of improving private or public views, subject to the approval of the design assistance committee. (Ord. 166 §4.05(C)(5), 1979)

17.28.090 Required geologic study. Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the SR zone shall only be permitted on lands designated as unstable or of questionable stability on Plate 3 of the general plan if analysis by a registered geologist or engineering geologist, at the applicant's expense, demonstrates to the satisfaction of the planning commission that construction of the development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible. The geologist's report shall conform to the requirements of Section 17.20.130. (Ord. 166 §4.05(C)(6), 1979)

## Chapter 17.32

## UR ZONE

Sections:

17.32.010 Established--Purpose.
17.32.020 Principal permitted uses.
17.32.030 Uses permitted with a use permit.
17.32.040 Minimum lot area.
17.32.050 Maximum density.
17.32.060 Minimum yards.
17.32.070 Maximum building height.
17.32.080 Vegetation removal.
17.32.090 Required geologic study.

17.32.010 Established--Purpose. The urban residential zone is intended to be applied in areas designated as urban residential in the general plan. These areas are served by public water systems. This zone allows the highest density of residential use, taking into consideration neighborhood characteristics and soil capacity for wastewater leaching. The following regulations shall apply in all urban residential zones. (Ord. 166 §4.06(part), 1979)

17.32.020 Principal permitted uses. Principal permitted uses are:

A. Single-family dwelling, subject to the requirements of Section 17.32.090;

B. Home occupation, as provided in Section 17.56.060. (Ord. 166 §4.06(A), 1979)

17.32.030 Uses permitted with a use permit. Uses permitted with a use permit in the UR zone include:

A. Guest house; servant's quarters;

B. Removal of trees more than twelve inches DBH. (Ord. 167 §6, 1980: Ord. 166 §4.06(B), 1979)

17.32.040 Minimum lot area. When a septic tank is to be the means of wastewater disposal, new lots shall include sufficient area to accommodate required yards, the intended use, and primary and reserve septic leach fields as determined from requirements in the wastewater disposal regulations adopted by the city. In no case shall a lot be less than eight thousand square feet in area. (Ord. 166 §4.06(C)(1), 1979)

17.32.050 Maximum density. Maximum density in the UR zone is eight thousand square feet of lot area per dwelling, guest house or servants' quarters. (Ord. 166 §4.06(C)(2), 1979)

17.32.060 Minimum yards. Unless modified by the design assistance committee as provided in Section 17.56.190, minimum yards in the UR zone are:

A. Front, twenty feet;

B. Rear, fifteen feet;

C. Side, five feet. (Ord. 166 §4.06(C)(3), 1979)

17.32.070 Maximum building height. Maximum building height in the UR zone is twenty-five feet, except that the design assistance committee may require a lesser height as provided in Section 17.56.190. (Ord. 166 §4.06(C)(4), 1979)

17.32.080 Vegetation removal. Trees may be removed if they are diseased or pose an imminent danger to people or structures, subject to the approval of the city engineer. Vegetation shall not be removed from a proposed building

site until the site is approved by the building inspector. The building inspector shall approve the proposed site only if it involves removal of the least number of trees over twelve inches DBH. The minimum number of trees and shrubs over eight feet in height may be removed for the purpose of improving private or public views subject to the approval of the design assistance committee. (Ord. 166 §4.06(C)(5), 1979)

17.32.090 Required geologic study. Structures, septic disposal systems, driveways, parking areas, pedestrian trails and other improvements permitted in the SR zone shall only be permitted on lands designated as unstable or of questionable stability on Plate 3 of the general plan if analysis by a registered geologist or engineering geologist, at the applicant's expense, demonstrates to the satisfaction of the planning commission that construction of the development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible. The geologist's report shall conform to the requirements of Section 17.20-.130. (Ord. 166 §4.06(C)(6), 1979)

## Chapter 17.36

## PD ZONE

Sections:

17.36.010 Established--Purpose.
17.36.020 Uses permitted with a use permit.
17.36.030 Minimum lot area.
17.36.040 Maximum density.
17.36.050 Minimum yards.
17.36.060 Maximum building height.
17.36.070 Open space.
17.36.080 Application procedure.

17.36.010 Established--Purpose. The planned development (PD) zone is intended to be used in areas designated as planned development in the general plan. These areas are either residential areas where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt appropriate uses to the site and to surrounding uses. Limited commercial uses, including visitor accommodations, visitor services, recreational uses, offices, gift shops and personal services may be appropriate. The PD zone is not intended for campgrounds and recreational vehicle parks.

The following regulations in this chapter shall apply in all planned development zones. (Ord. 166 §4.07(part), 1979)

17.36.020 Uses permitted with a use permit. Uses permitted with a use permit in the PD zone are:

A. Single-family dwelling, duplex, condominiums and townhouses with not more than four dwellings in a building; groups of permitted types;

B. Motels, inns, gift shops, restaurants (not drive-in), personal services, professional offices, retail sales and visitor services;

C. Home occupations as provided in Section 17.56.060;

D. Rest homes, day care centers;

E. A combined residence with a business use allowed by this section, other than a motel, where the business is not a home occupation as described by this title. (Ord. 87-190 §1(Exh. A(part)), 1987; Ord. 168 §3, 1980: Ord. 167 §7, 1980: Ord. 166 §4.07(A), 1979)

17.36.030 Minimum lot area. For planned developments with five or more dwelling or commercial units, two thousand five hundred square feet per dwelling lot; none for commercial units; provided that the ground floor area of the unit shall not exceed one hundred percent of the lot area, except ground floor area shall not exceed seventy-five percent of the area of a corner lot. Lots shall be not less than thirty feet in width, except that corner lots shall not be less than forty-two feet in width. For planned development with less than five dwelling or commercial units, eight thousand square feet. (Ord. 166 §4.07(B)(1), 1979)

17.36.040 Maximum density. The number of dwelling units permitted shall be determined by dividing the net development area by eight thousand square feet. Net development area shall be determined by subtracting the area devoted to commercial uses including yards, open space, parking and access roads serving commercial uses, and areas over thirty percent slope. If septic tanks are the intended means of wastewater disposal, density shall be based on soil suitability and the requirements of the city's wastewater disposal regulations. (Ord. 166 §4.07(B)(2), 1979)

17.36.050 Minimum yards. Minimum yard requirements in the PD zone are as follows: where eight thousand square feet minimum lot area applies, same as UR zone; where two thousand five hundred square feet minimum lot area applies, none, except when adjacent to any other zone the yard shall be the same as that required in the adjacent zone. The minimum yard between buildings shall be equal to the height of the higher building. (Ord. 166 §4.07(B)(3), 1979)

17.36.060 Maximum building height. Maximum building height is twenty-five feet, except that the design assistance committee may require a lesser height as provided in Section 17.56.190. (Ord. 166 §4.07(B)(4), 1979)

17.36.070 Open space. Twenty-five percent of the project site shall be common open space when dwellings are included. In addition, eight hundred square feet of common usable open space shall be provided per dwelling unit. The developer shall landscape and provide suitable recreational facilities within the usable open space areas and establish a homeowners' association or other means of providing for the perpetual maintenance of both usable and unusable common open space. Private open space, consisting of balconies or fenced area, shall be provided adjacent to each dwelling unit, and the area of such private open space shall be at least ten percent of the gross floor area of the dwelling unit. (Ord. 166 §4.07(B)(5), 1979)

17.36.080 Application procedure. The applicant shall submit three copies of the following information to the city clerk:

A. A map to scale showing:

1. Division of the land for the sale of individual lots, if any,

2. Existing contours at intervals of not less than five feet and location of trees and other significant natural features,

3. Proposed automobile and pedestrian accessways,

4. Areas proposed to be reserved for common open space,

5. Location of commercial uses, dwellings, related off-street parking and any other proposed uses with dimensions showing building size, setbacks and yard areas,

6. Proposed landscaping, fencing and screening,

7. Provision for drainage of surface waters;

B. A tabulation of total number of acres and percent thereof designated for various uses, the number of dwelling units proposed by type, and the estimated population by type of dwelling;

C. A statement setting forth a program for installation and maintenance of parking areas, lighting, courts, public and private grounds, landscaping, streets, utilities, community buildings and common open space including copies of legal documents;

D. Building elevations to scale, and a statement of design principles for structures and streetscapes;

E. Such additional information as may be required by the planning commission;

F. An initial environmental study which satisfies the requirement of the California Environmental Quality Act and city regulations adopted pursuant thereto.

Within thirty days of submittal, the applicant, interested staff and the planning commission shall meet to discuss the proposed development. A letter shall be transmitted by the city clerk within five working days after the meeting to the applicant indicating whether or not the proposal conforms with the general plan, zoning and subdivision titles and other applicable city regulations. If the applicant wishes to proceed, a use permit application shall be submitted to the city clerk. The application shall include seven copies of the information required above and a legal description of the property. If, after following the procedures in Chapters 17.60 through 17.68 regarding consideration of use permit applications, the planning commission approves, or approves subject to conditions, the plan and any conditions shall be forwarded to the city council for consideration and the use permit shall not become effective until ten days following approval by the city council. Unless changes are approved by the city council after receiving a recommendation from the planning commission, all aspects of the planned development shall conform to the approved development plan, which shall be made a part of the use permit. Use permits may specify a development completion period of not more than three years at which time the use permit shall expire unless the applicant obtains the one-year extension. (Ord. 166 §4.07(B)(6), 1979)

## Chapter 17.40

## VS ZONE

Sections:

17.40.010 Established--Purpose.
17.40.020 Principal permitted uses.
17.40.030 Uses permitted with a use permit.
17.40.040 Minimum lot area.
17.40.050 Maximum density.
17.40.060 Minimum yards.
17.40.070 Maximum building height.
17.40.080 Vegetation removal.

17.40.010 Established--Purpose. The visitor services zone is intended to be applied in areas designated as visitor services in the Trinidad general plan. It is intended to provide areas for camping, recreational vehicle parks, motels, restaurants, lounges and similar visitor services and accommodations. Visitor services and accommodations should have direct access to a primary collector street. Development should not create conflicts with nearby residential areas and should be located near convenience

shopping facilities and/or recreation destinations. The following regulations in this chapter shall apply in all visitor services zones. (Ord. 166 §4.08(part), 1979)

17.40.020 Principal permitted uses. Principal permitted uses in the VS zone are:

A. Restaurant (except drive-in), gift shop;

B. Motel, inn;

C. Home occupations as provided in Section 17.56.060. (Ord. 166 §4.08(A), 1979)

17.40.030 Uses permitted with a use permit. Uses permitted with a use permit in the VS zone are:

A. Drive-in restaurant, lounge;

B. Campground, recreational vehicle park;

C. Grocery, laundromat or similar visitor convenience appurtenant to a visitor accommodation;

D. Single-family dwelling for the manager of another on-site permitted use;

E. Day care center. (Ord. 166 §4.08(B), 1979)

17.40.040 Minimum lot area. Minimum lot area for new lots in the VS zone is eight thousand square feet. (Ord. 166 §4.08(C)(1), 1979)

17.40.050 Maximum density. Maximum density in the VS zone is: one campsite, RV space, or motel unit per two thousand five hundred square feet of lot area; eight thousand square feet per dwelling unit. (Ord. 166 §4.08(C)(2), 1979)

17.40.060 Minimum yards. Minimum yards in the VS zone is for front, rear and side yards, ten feet. (Ord. 166 §4.08(C)(3), 1979)

17.40.070 Maximum building height. Maximum building height in the VS zone is twenty-five feet. (Ord. 166 §4.08(C)(4), 1979)

17.40.080 Vegetation removal. Unless diseased, or posing an imminent danger to people or structures, trees should be retained wherever feasible in visitor accommodations. (Ord. 166 §4.08(C)(5), 1979)

## Chapter 17.44

## C ZONE

Sections:

17.44.010 Established--Intent.

17.44.020 Principal permitted uses.
17.44.030 Uses permitted with a use permit.
17.44.040 Minimum lot area.
17.44.050 Maximum density.
17.44.060 Minimum yards.
17.44.070 Maximum building height.

17.44.010 Established--Intent. The commercial zone is intended to be applied to areas designated commercial in the general plan. It provides for the commercial services that meet the convenience and retail needs of the residents and visitors. Uses serving the commercial fishing industry are also appropriate. The following regulations shall apply in all commercial zones. (Ord. 166 §4.09(part), 1979)

17.44.020 Principal permitted uses. Principal permitted uses in the C zone are:

A. Professional and business offices;

B. Social halls, fraternal and social organizations and clubs;

C. Retail stores, agencies and services of a light commercial nature conducted entirely within an enclosed building such as antique shops, art galleries, retail bakeries, banks, barbershops, beauty salons, book stores, clothing and apparel stores, coin operated dry cleaning and laundry establishments, drugstores, florist shops, food markets, furniture stores, hardware and appliance stores, radio and television sales and service, restaurants and appurtenant licensed premises, service stations, studios, tailor shops, enclosed theaters, variety stores, plant nurseries, smokehouses and related sales, secondhand sales appurtenant to another permitted use. (Ord. 166 §4.09(A), 1979)

17.44.030 Uses permitted with a use permit. Uses permitted in the C zone are:

A. Motels; single-family dwellings associated with a commercial use;

B. Major auto repair, new and used auto, RV and boat sales, licensed premises not appurtenant to any restaurant, secondhand sales, storage warehouses, small animal hospital within a building, cabinet shops, contractor yards, handicraft manufacture, lumber yards, metal working shops, printing, wholesaling, commercial recreational facilities, piers, manufacture, repair and storage of fishing equipment, storage and processing of ocean produce. (Ord. 166 §4.09(B), 1979)

17.44.040 Minimum lot area. Minimum lot area in the C zone is eight thousand square feet. (Ord. 166 §4.09(C)(1), 1979)

17.44.050 Maximum density. Maximum density in the C zone is one motel unit per two thousand five hundred square feet of lot area; eight thousand square feet of lot area per dwelling unit. (Ord. 166 §4.09(C)(2), 1979)

17.44.060 Minimum yards. Minimum yards in the C zone are front, twenty feet; rear and side, none except five feet when adjacent to any other zone. (Ord. 166 §4.09(C)(3), 1979)

17.44.070 Maximum building height. Maximum building height in the C zone is twenty-five feet, provided that greater height may be permitted subject to obtaining a use permit. (Ord. 166 §4.09(C)(4), 1979)

## Chapter 17.48

## PR ZONE

Sections:

17.48.010 Established--Purpose.
17.48.020 Principal permitted uses.
17.48.030 Minimum lot area.
17.48.040 Minimum yards.
17.48.050 Maximum building heights.
17.48.060 Design review.

17.48.010 Established--Purpose. The public and religious zone is intended to be applied to areas designated as public and religious in the Trinidad general plan. All publicly owned lands exclusive of those maintained primarily as open space, and all lands owned by religious organizations and used for religious worship and related activities are included. Public agency ownerships include schools, public parking areas, utility substations, fire stations, public buildings and cemeteries. Any public and religious facility should be compatible with nearby uses and be located on streets which offer convenient access. The following regulations in this chapter shall apply in all public and religious zones. (Ord. 166 4.10(part), 1979)

17.48.020 Principal permitted uses. Principal permitted uses in the PR zone are:

A. Churches and appurtenant facilities;

B. Fraternal and social organizations;

C. Public parks, playgrounds, recreation centers, community gardens;

D. Public and private schools, police and fire stations, public service and administrative offices,

cultural facilities including museums, libraries, auditoriums, public rest rooms;

E. Utility substations, corporation yards, reservoirs, storage tanks, radio and TV transmission facilities, caretaker residences. (Ord. 166 4.10(A), 1979)

17.48.030 Minimum lot area. Minimum lot area in the PR zone is the area needed to accommodate the intended use, yard requirements, and any wastewater disposal facilities. (Ord. 166 4.10(B)(1), 1979)

17.48.040 Minimum yards. Minimum yards in the PR zone are front, twenty feet; rear and side yards, five feet, except none when adjacent to PR or C zones. (Ord. 166 4.10(B)(2), 1979)

17.48.050 Maximum building height. Maximum building height in the PR zone is twenty-five feet, except that greater height may be permitted subject to obtaining a use permit. (Ord. 166 4.10(B)(3), 1979)

17.48.060 Design review. Expansion of existing uses and buildings and any new uses or buildings shall be subject to the design review requirements of Section 17.56.190. (Ord. 166 §4.10(B)(4), 1979)

## Chapter 17.52

## COMBINING ZONES AND MH ZONE

Sections:

17.52.010 General provisions.
17.52.020 Special building site combining or -B zone.
17.52.030 Minimum yards.
17.52.040 Mobilehome combining or MH zone.

17.52.010 General provisions. The regulations set forth in this chapter for each of the combining zones shall modify the regulations for the principal zones with which they are combined. All uses and regulations of the principal zone shall apply in the combined zone, except insofar as they are modified or augmented by the uses and regulations set forth in the combining zone regulations. (Ord. 166 §5.01, 1979)

17.52.020 Special building site combining or -B zone. The special building site combining or -B zone is intended to be combined with the SR suburban residential zone in order to conform new lots and development to the character of

surrounding development and to ensure that lot sizes are generally large enough to accommodate the intended use and have adequate area for primary and reserve septic tank leach fields. The following regulations shall apply in the SR zone when it is combined with the special building site combining zone in lieu of the lot area and yard requirements normally applicable in such principal zone:

| Combining Designation | Minimum Building Site Area |
|---|---|
| B-1 | 1 acre |
| B-2 | 2 acres |
| B-5 | 5 acres |

(Ord. 166 §5.02(part), 1979)

17.52.030 Minimum yards. Minimum yards in combining zones are front and rear, same as SR zone; side yards, twenty feet. (Ord. 166 §5.02(part), 1979)

17.52.040 Mobilehome combining or MH zone. This zone may be combined with the SR suburban residential zone in a contiguous area of five or more lots intended for the exclusive use of mobilehome residences. The following regulations shall apply in the SR zone when it is combined with the MH combining zone:

A single mobilehome on a lot, provided the mobilehome complies with the state mobilehome construction standards; and the mobilehome shall be placed on a perimeter concrete foundation consistent with building code requirements and shall satisfy any other requirements pertinent to designation of the mobilehome as real property subject to payment of property taxes. (Ord. 166 §5.03, 1979)

## Chapter 17.56

## SPECIFIC USE REGULATIONS

Sections:

17.56.010 Applicability.
17.56.020 Accessory uses.
17.56.030 Vehicle and other storage.
17.56.040 Animals.
17.56.050 Assemblages of persons and vehicles.
17.56.060 Home occupations.
17.56.070 Mobile buildings.
17.56.080 Access to public road.
17.56.090 Accessory structures.
17.56.100 Height limitations and modifications.
17.56.110 Yards, fences, walls and hedges.
17.56.120 Swimming pools.

17.56.130 Shoreline protection and alteration.
17.56.140 Rare plants.
17.56.150 Public access to the shoreline.
17.56.160 Signs.
17.56.170 Landscaping and screening.
17.56.180 Parking.

17.56.010 Applicability. The following specific regulations are intended to provide for the location and control of certain special and accessory uses and to provide supplementary regulations pertaining to yards, buildings, parking and nonconforming uses which apply to several zones or uses. The following regulations shall apply in all zones. Where the provisions of this chapter conflict with the provisions of any zone, the provisions of this chapter shall apply. (Ord. 166 §6.01, 1979)

17.56.020 Accessory uses. Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this chapter, provided that no accessory use shall be conducted on any property in the SE, SR and UR zones unless and until the main building is erected and occupied, or until a use permit is secured. Use of a recreational vehicle as a temporary residence by visitors for not more than fifteen days in any calendar year shall be a use accessory to a dwelling. (Ord. 166 §6.02, 1979)

17.56.030 Vehicle and other storage. Abandoned, unlicensed, inoperable or partially dismantled vehicles may be parked within the confines of a legally established vehicle repair business. They may also be stored within any enclosed building. Also, not more than two vehicles intended to be repaired or restored may be parked outdoors if they are located in the rear yard and are screened by a sight obscuring fence, wall or hedge. Storage of crabpots, boats, and recreational vehicles is permitted in required yard areas except in the street corner area identified in Section 17.56-.110(F); provided, that access to the perimeter of the dwelling is not obstructed, and no such storage is closer than five feet to the front lot line. Storage of building materials, equipment and appliances and similar unsightly items shall not be stored in the required front or street side yard for more than thirty days in any year. (Ord. 166 §6.03, 1979)

17.56.040 Animals. A. In all zones no more than four household pets such as dogs and cats may be kept as an accessory use to a dwelling, unless a use permit is obtained. In addition to any household pets, not more than four small domestic animals, including rabbits and poultry, may be kept in the suburban residential and urban residential zones on a

lot eight thousand square feet in area or less. No rooster over the age of six months shall be permitted in the urban residential zone. One additional small domestic animal may be kept for each two thousand square feet of area by which the lot exceeds eight thousand square feet.

B. In addition, the following domestic animals may be kept as accessory to a dwelling in the suburban residential zone:

1. One large domestic bovine or equine animal may be kept on a lot of not less than acre. One additional animal may be kept for each half acre by which the lot exceeds one acre;

2. Two medium sized domestic animals, including sheep and goats, may be kept on any lot of not less than twenty thousand square feet. One additional animal may be kept for each ten thousand square feet of area by which the lot exceeds twenty thousand square feet. (Ord. 166 §6.04, 1979)

17.56.050 Assemblages of persons and vehicles. No circus, carnival, open-air or drive-in theater, vehicular racetrack, religious revival tent or similar assemblage of people and vehicles shall be permitted in any zone unless a use permit is first secured. (Ord. 166 §6.05, 1979)

17.56.060 Home occupations. Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, bookkeeping, rooming and boarding, or not more than two persons, including tourists, shall be permitted as an accessory use to any dwelling, subject to the following conditions:

A. No employees other than members of the resident family;

B. Not more than one sign not to exceed three square feet in area and attached to the dwelling;

C. No outside display of merchandise;

D. Electrical motors only, and not to exceed a total of one horsepower;

E. No radio or television interference or noise audible beyond the boundaries of the site;

F. No significant increase in automobile traffic over normal residential use and no trucks of greater than three-quarter ton on the site. (Ord. 166 §6.06, 1979)

17.56.070 Mobile buildings. Mobile buildings, including mobilehomes, shall not be stored in the city. Outside of the MH combining zone a mobilehome or mobile building may be located on a lot and used for a residence or office only under the following conditions:

A. One mobile building may be used as an office, appurtenant and accessory to the operation of a mobilehome or RV sales area.

B. One mobile building may be permitted as a temporary office or residence after obtaining a building permit for the construction of a permanent building of the same use on the same lot, subject to the approval of the building inspector. Such use of the mobile building shall be limited to six months from the date of building permit issuance and shall automatically terminate upon the expiration or voidance of the building permit. The building inspector may approve one additional time period of six months if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.

C. A mobile building may be used, subject to obtaining a use permit, as a temporary office by a construction contractor.

D. A mobile building may be used, subject to obtaining a use permit, for an office and sales of fishing equipment in conjunction with the operation of the harbor. The mobile building shall be sited, and the exterior appearance modified to blend the unit with the harbor environment. The existing parking area shall not be reduced, and the building must be removed from the harbor area between October 1st and April 15th of each year.

E. A mobilehome is considered a single-family dwelling if it is on a permanent foundation and:

1. Conforms to the National Mobile Construction and Safety Standards of 1974;

2. Meets the requirements of Chapter 29 of the UBC, 1979 Edition;

3. Conforms to the criteria for single-family dwellings, as specified in Section 17.56.190. This is to include the mobilehome itself and any attached or accessory structures, such as covered porches, carports;

4. Should be at least double-wide. Single-wide mobilehomes are considered to be out of character with the existing community. (Ord 84-180 §1, 1984; Ord. 175 §1, 1981; Ord. 166 §6.07, 1979)

17.56.080 Access to public road. All lots created subsequent to the adoption of these regulations shall have twenty-five feet of frontage on a public road, or twenty-five feet of frontage on a public easement at least twenty-five feet wide from the lot to a public road. Lots existing on the effective date of the regulations codified in this chapter not having such access to a road may be used for the purpose provided in these regulations if a use permit is first obtained incorporating such conditions as the planning commission deems necessary to ensure sufficient access to a public road. (Ord. 166 §6.08, 1979)

17.56.090 Accessory structures. Accessory structures shall be located in the area between side property lines from the rear lot line to the rear of the front yard, except that accessory structures shall not be closer than ten feet to any on-site building and not closer than fifteen feet to any side lot line abutting a street. Accessory structures for nonhousehold animals shall not be located closer than fifty feet to any dwelling. Accessory structures shall not be more than fifteen feet in height in the SR and UR zones and shall comply with the maximum building height limitation in other zones. (Ord. 166 §6.09, 1979)

17.56.100 Height limitations and modifications. Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof. Chimneys, vents, flagpoles, conventional television reception antennas, ventilating and air conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurement. (Ord. 166 §6.10, 1979)

17.56.110 Yards, fences, walls and hedges. The minimum yard requirements set out in Chapters 17.16 through 17.52 shall be subject to the regulations of this section:

A. Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet into a side yard and four feet into front, street-side and rear yards. Uncovered porches, decks, balconies, stairways, fire escapes or landings may extend a maximum of eight feet into front street-side or rear yards and three feet into side yards.

B. The street-side yard on a corner lot shall be fifteen feet.

C. Sight obscuring fences, walls or hedges within a required front yard or required side yard adjacent to a street more than two and one-half feet in height shall not be located closer than fifteen feet to the point where the edge of a driveway crosses the property line. Fences located within a required front yard, or side yard adjacent to a street, shall not exceed four feet in height.

D. Fences, walls and hedges located within a required interior side yard or required rear yard shall not exceed six feet in height. However, the building inspector may approve fences, walls and hedges higher than six feet within a required interior side yard, or required rear yard if the owner obtains written consent from the adjoining property owner. Emergency access through such fencing shall be provided when it obstructs access to a building.

E. Fences, walls and hedges within the buildable portion of a lot may exceed six feet in height, but emergency

access shall be provided when the fence, wall or hedge obstructs access to a building.

F. For corner lots, within the area lying between the front and street side lot lines and a line connecting points on these lot lines twenty feet from their intersection, sight obscuring fences, walls and vegetation shall not exceed two and one-half feet in height above the established grade of either street. Tree trunks, posts or columns not exceeding eighteen inches in cross-sectional width, measured at three feet above the established grade of either street, shall be permitted provided that tree branches are removed up to eight feet above the grade of either street.

G. Limitations on fence height shall not be deemed to prohibit nonsight obscuring safety or security fences of any height necessary for public playgounds, public utilities, and other public installations. (Ord. 166 §6.11, 1979)

17.56.120 Swimming pools. Any artificial pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a depth greater than eighteen inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted as an accessory structure in any zone and shall be subject to the following regulations:

A. Such pool shall be located on the rear one-half of the lot and in any case not less than fifty feet from the lot line, nor closer than five feet to a side or rear lot line. Filter and heating systems shall not be located within ten feet of any lot line;

B. Such pool or the property on which it is located shall be completely enclosed by a wall or fence not less than four and one-half feet in height, containing no openings greater than four inches except for self-closing and self-latching gates on which the latch is at least four feet above ground level in order that full control of access by children may be maintained. (Ord. 166 §6.12, 1979)

17.56.130 Shoreline protection and alteration. A. The following regulations shall apply to the construction of shoreline protection works and to any dredging, diking, damming, channelization, filling or similar activity in the area less than twenty feet above mean lower low water or within the one-hundred-year floodplain or any perennial stream in the city.

B. Before any dam, dike, fill, groin, revetment, breakwater, retaining wall or similar structure, or dredging, diversion, channelization or similar activity shall be constructed or undertaken within the city, the applicant or lead agency shall provide the city with a project description, environmental analysis and evaluation of the potential

impacts of the project on the character and function of the affected environment, the social and economic character and function of the city and its residents. Such uses shall be subject to a use permit. The use permit shall not be granted unless the planning commission determines that the project conforms with the general plan and will not create undesired impacts on the environment or the community. (Ord. 168 §4, 1980)

17.56.140 Rare plants. The city shall refer all applications for development in the area north of Main Street (extended to the west and east) to the California Department of Fish and Game to determine if rare plants exist on the site. If such plants are found, any permit shall require that the developer meet any mitigation requirements recommended by the department. If a new location of a rare or endangered plant is found in the future, the city will require the applicants of a development permit to notify the California Department of Fish and Game if the development is within one hundred feet of the location of the plant. Any permit shall require that the developer meet any mitigation requirements recommended by the Department of Fish and Game. (Ord. 167 §9, 1980: Ord. 166 §6.14, 1979)

17.56.150 Public access to the shoreline. A. As a condition of approval for any variance, conditional use permit or design review of new development, the landowner shall offer to dedicate an easement for public access, for a period of twenty-one years, along the ocean shoreline from the mean high tide line up to the first line of terrestrial vegetation or a distance inland of twenty-five feet, whichever is the greater, and a twenty-five foot wide easement along any trail designated in the Trinidad general plan located on the subject property. These public easements shall only take effect when a public or private trust approved by the city accepts responsibility for liability and the improvement and maintenance of the access easement.

B. The following restrictions apply in this twenty-five foot easement:

1. Existing motorized access shall not be enlarged and where motorized access does not exist, it shall not be allowed;

2. Foot trail portions of the easement shall not exceed ten feet in utilized width;

3. Existing foot trails should be used except when design or stability problems require a change;

4. Buffer zone areas on the unutilized portions of the foot trails shall not be open to the public.

C. For purposes of this section, "new development" does not include:

1. The replacement of any structure, other than a public works facility destroyed by a disaster. The

replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than ten percent, and shall be sited in the same general location on the affected property as the destroyed structure;

2. The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than ten percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure;

3. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the original structure by more than ten percent, which do not block or impede public access and which do not result in a seaward encroachment by the structure;

4. The reconstruction or repair of any seawall; provided that the reconstructed or repaired seawall is not seaward of the location of the former structure;

5. Any repair or maintenance activity for which the commission has determined that a coastal development permit will be required unless the commission determines that activity will have an adverse impact on lateral public access along the beach.

D. As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

E. As used in this subdivision, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

F. As used in this subdivision, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

G. Nothing in this subdivision shall restrict public access not shall it excuse the performance of duties and responsibilities of public agencies which are required by government code. (Ord. 84-180 §6.15, 1984: Ord. 175 §2, 1981: Ord. 167 §10, 1980: Ord. 166 §6.15, 1979)

17.56.160 Signs. A. In all zones the following signs shall be permitted, provided that signs permitted in subdivisions 2 and 3 below shall be subject to review by the design assistance committee:

1. A residential nameplate bearing the name of the occupant and not exceeding two square feet; provided that three square feet shall be permitted for a residence with a home occupation;

2. Identifying sign and/or bulletin board for a church, school or other public or religious use, which may be indirectly lighted, not exceeding thirty-two square feet in area and located on the premises, provided that is no closer than ten feet from any property line;

3. No more than two signs advertising a subdivision or housing development located on the premises thereof, unilluminated, not exceeding thirty-two square feet in area each and not less than ten feet from any property line;

4. Unilluminated signs not exceeding a total area of six square feet, and not more than two in number pertaining to the sale or lease of residential property and unilluminated signs not exceeding thirty-two square feet and not more than two in number pertaining to the sale or lease of land in the PD, VS and C zones;

5. Public safety and directional signs not exceeding two square feet including no trespassing signs; political campaign signs and posters, provided such signs and posters are removed not more than thirty days after the date of the election;

6. One temporary portable sign not exceeding thirty-two square feet in area, during one fifteen-day period in any calendar year.

B. In the PD, VS and C zones on-premise signs shall be permitted, subject to the following regulations and the review of the design assistance committee:

1. The total advertising area permitted for any parcel of land shall be one square foot for each foot of street frontage; provided that any parcel shall be permitted at least twenty square feet of advertising area, but in no case shall the advertising area for any parcel exceed three hundred square feet. No individual sign established after the adoption of the ordinance codified in this title shall be greater than fifty square feet in area;

2. No freestanding sign shall exceed the maximum building height for the zone in which the sign is located. Signs attached to buildings shall not project more than three feet above the roof line;

3. Signs projecting over public rights-of-way shall not exceed thirty-two square feet in area; shall not project more than five feet, and shall not be closer than fourteen feet to the ground unless attached to the underside of a projecting canopy, in which case the sign shall not be more than six square feet in area and shall not be closer than nine feet to the ground or sidewalk;

4. Signs that rotate, blink, flash, sparkle, resemble traffic control signs, obstruct the visibility of any traffic sign, and portable signs in a public right-of-way are prohibited. Nonappurtenant signs are prohibited except that a maximum of two directional signs of not more than four square feet each may be permitted adjacent to primary collector streets subject to obtaining a use permit, and

provided that multiple identification signs included within a community business directory shall be permitted in the C zone, subject to a use permit. (Ord. 166 §6.16, 1979)

17.56.170 Landscaping and screening. These regulations are intended to protect individual properties from traffic glare and to improve the appearance of new development in the city:

A. Maintenance. All required planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, weeding, cleaning, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. All screening shall be in sound functional condition, or, whenever necessary, repaired and replaced.

B. Materials. Where trees are required in a new development they shall be of a species, degree of maturity, and spacing acceptable to the design assistance committee. Where dense landscaping to a specified height is prescribed, it shall be of a type that will provide a year-round barrier to the prescribed heights, and shall be so spaced that vision of objects on the opposite side is effectively eliminated.

C. Dense landscaping or solid wall or fence of a minimum height of six feet shall be provided along the rear and side property lines of any nonresidential use which abuts on a residential use; to screen any open area used for the storage of goods, materials, or waste from view from abutting properties and from public right-of-way; to screen any open area used to display goods or materials for sale from abutting properties.

D. Prescribed fences, walls or dense landscaping need not be provided along a lot line if a fence, wall or dense landscaping of at least equivalent height, density and maintenance exists immediately abutting and on the opposite side of the lot line.

E. Perimeter landscaping shall be provided between parking spaces and adjacent street right-of-way whenever five or more parking spaces are required. Such landscaping area shall be at least four feet wide and protected from damage by a curb or header adjacent to the parking area. In addition, whenever five or more parking spaces are required one tree shall be provided, with an additional tree required for every ten additional required parking spaces. Such trees shall be planted in tree wells at least four feet by four feet, protected by a curb or header. Whenever five or more parking spaces are required, at least two percent of the parking area, including the above required landscaping, shall be landscaped. (Ord. 166 §6.17, 1979)

17.56.180 Parking. Off-street parking and loading space shall be provided in all zones in conformity with the following:

A. Each required parking space shall not be less than eight feet six inches wide, eighteen feet long and seven feet high, provided that where three to four spaces are required, one space may be sixteen feet long to accommodate compact cars; where five spaces are required, two may be sixteen feet long; and where six or more spaces are required, up to fifty percent of the spaces may be sixteen feet long.

B. Parking spaces shall be as follows:

1. Campground, RV park, motel: two spaces plus one space per unit;

2. Single-family dwelling and mobilehome on a lot: two spaces in addition to any garage spaces;

3. Attached dwellings (duplex, townhouse): 1.5 spaces per unit;

4. Offices and retail business: one space per three hundred square feet of gross floor area, with a minimum of three spaces. One additional space per employee in a medical or dental office;

5. Restaurant, lounge: one space for each four seats or two hundred square feet of gross floor area, whichever is the largest;

6. Drive-in restaurant: one space per one hundred square feet of gross floor area;

7. Wholesale, service station, vehicle and equipment repair, day care center, retail sale of bulky items: two spaces plus one space per employee on largest shift;

8. Within the PD planned development zone: gift shops, personal services, professional offices, retail sales, visitor services and combined residence and businesses other than a home occupation: a minimum of three spaces for up to five hundred square feet of gross floor area of the business; an additional one space per each additional three hundred square feet of gross floor area of the business. This provision applies only in PD or planned development zones.

C. Required parking spaces shall be located on the same lot with the use to be served. Required parking shall not be located closer than twenty feet to the intersection of street right-of-ways. Where four or more dwellings are located on the same lot, outdoor parking shall not be closer than five feet to any on-site building and not closer than three feet to any side or rear lot line. Where more than four parking spaces are required, they shall not be located so as to require backing into the public street right-of-way. Where parking spaces or an aisle serving a parking facility is adjacent to the UR or SR zones, a sight-obscuring fence at least four feet high shall be provided.

D. Any parking facility of four or more vehicles, including access driveways and aisles, shall be graded and drained to dispose of surface water to the satisfaction of the city engineer, and shall be surfaced with concrete, asphaltic concrete, bituminous surface treatment or an equivalent satisfactory to the city engineer, and shall be maintained in good condition free of weeds, trash and debris. Individual parking spaces shall be designated by contrasting paint or markers.

E. Driveways providing access to a parking facility shall be at least twelve feet wide for each lane of travel, and aisles providing access to parking spaces shall be as follows:

1. One-way aisle serving angle parking less than fifty degrees, twelve feet wide;

2. One-way aisle serving angle parking fifty to seventy-five degrees, or two-way aisle serving angle parking less than fifty degrees, eighteen feet wide;

3. Two-way aisle serving angle parking fifty degrees or more, or aisle serving more than seventy-five degree angle parking, twenty-four feet wide.

F. Parking facilities for nonresidential uses which will be used after dark shall be lighted, provided that the light source shall be directed away from adjoining residential premises.

G. Required parking for residences and for uses requiring less than four parking spaces shall be graded and surfaced to provide an all-weather surface.

H. In the PD, planned development zone, in lieu of providing parking facilities required by the provisions of this section, the requirements may be satisfied by payment to the city, prior to the issuance of the building permit, of an amount per parking space, prescribed by the council, for each parking space required by this section but not provided. The payment shall be deposited with the city in a special fund and shall be used, whenever possible, for the purpose of acquiring, developing, maintaining or enhancing parking facilities located, insofar as practical, in the vicinity of the use for which the payment is made. The council may decline to accept payment in lieu of providing parking facilities. (Ord. 87-190 §1(Exh. A(part)), 1987; Ord. 167 §10, 1980; Ord. 166 §6.18, 1979)

# Chapter 17.60

## DESIGN REVIEW AND VIEW PRESERVATION

Sections:

17.60.010 Applicability.
17.60.020 Purpose.
17.60.030 Approval required for construction.
17.60.040 Design criteria.
17.60.050 View protection criteria.
17.60.060 Review procedures.

17.60.010 Design review and view preservation regulations. The following regulations in this chapter shall apply to all zones. (Ord. 84-180 §3(part), 1984: Ord. 166 §6.19(part), 1979)

17.60.020 Purpose. The small scale of the community and its unique townsite, affording spectacular views of the coastline and ocean horizon, define the character of Trinidad. Maintaining this character is essential to the continued desirability and viability of the city. A design assistance committee, consisting of the city planning commission and one member of the city council, is established to review new developments to ensure their consistency with the character of the city and minimize their impact on important vistas. (Ord. 84-180 §3(part), 1984: Ord. 166 §6.19(part), 1979)

17.60.030 Approval required for construction. Relocation, construction, remodeling or additions to structures, and alterations of the natural contours of the land shall not be undertaken until approved by the design assistance committee. Approval need not be obtained for remodeling that does not affect the external profile or appearance of an existing structure. Approval need not be required for exterior painting and maintenance, accessory structures of less than five hundred square feet in floor area and not less than fifteen feet in height, changes in landscaping, and site excavation or filling more than one hundred feet from any perennial stream or the mean high tide line which will not change the existing elevation more than two feet at any point, and if exempt from a coastal development permit as specified in Section 17.68.070 of the zoning title and pursuant to any applicable categorical exclusions. (Ord. 84-180 §3(part), 1984: Ord. 166 §6.19(part), 1979)

17.60.040 Design criteria. The design assistance committee shall be guided by the following criteria when evaluating land form alterations and construction of structure:

A. The alterations of natural land forms caused by cutting, filling and grading shall be minimal. Structures should be designed to fit the site rather than altering the land form to accommodate the structure.

B. Structures in, or adjacent to open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.

C. Materials and colors used in construction shall be selected for compatibility both with the structural system of the building and with the appearance of the building's natural and manmade surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.

D. Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.

E. On-premises signs should be designed as an integral part of the structure and should complement or enhance the appearance of the surrounding area.

F. New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.

G. Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should have a single design theme.

H. When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:

1. Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.

2. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure. (Ord. 84-180 §3(part), 1984: Ord. 166 §6.19(part), 1979)

17.60.050 View protection criteria. The design assistance committee shall be guided by the following criteria

when evaluating the impact of new development on public and private vistas of important scenic attractions:

A. Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.

B. Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.

C. The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction.

D. If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.

E. The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards. (Ord. 84-180 §3(part), 1984: Ord. 166 §6.19(part), 1979)

<u>17.60.060 Review procedure</u>. The committee shall prescribe application forms and information requirements for use by those proposing activities subject to design

assistance review. If a use permit, coastal development permit or other approval is required by the planning commission or city council, the review of the design shall be subsequent to other permit considerations and may occur at the same meeting, subject to fulfillment of public notification requirements. Otherwise the procedure for submittal and consideration of the application shall be the same as for a use permit as provided in Chapters 17.68 through 17.76. Where view considerations are involved, the applicant is encouraged to contact property owners within one hundred feet and show them the layout and profile of the proposed structure. The committee shall not approve any application unless it finds that all of the applicable criteria have been considered and the minimum adjustments required to achieve the objectives applicable to the area where the development is located. (Ord. 84-180 §3(part), 1984: Ord. 166 §6.19(part), 1979)

## Chapter 17.64

## NONCONFORMING USES AND STRUCTURES

Sections:

17.64.010 Nonconforming uses and structures.
17.64.020 Nonconforming lots.
17.64.030 Nonconforming RV and mobilehome uses and parks.
17.64.040 Nonconforming off-street parking.
17.64.050 Underground utilities.
17.64.060 Land acquisition by public agency.

17.64.010 Nonconforming uses and structures. The lawful use of lands or structures existing on the effective date of the regulations codified in this title, although such use or structure does not conform to the regulations applied to such property or structure, may be continued, except as provided as follows:

A. Any structure conforming as to use but not conforming as to lot area, yards, height or other requirements herein at the effective date of the ordinance codified in this title may be altered, repaired or extended provided that such alteration, repair, or extension shall not increase the existing degree of nonconformance.

B. If any nonconforming building is destroyed to the extent that the cost of repair, using new materials, exceeds sixty percent of the current value of the structure, then the building shall become subject to all regulations in the applicable zone except as provided in Chapter 17.60. The repair of a partially destroyed building shall commence

within one year and an additional six months shall be allowed for the completion of the exterior of any reconstruction.

C. Any change of a nonconforming use shall be to a conforming use, and a nonconforming use which has been discontinued for a period of one year or more shall not be reestablished. A nonconforming use of a part of a lot or a structure shall not be extended throughout the lot or structure.

D. Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.

E. Any signs, existing on the effective date of the ordinance codified in this title, but not conforming to the provisions of this title, shall be permitted to continue for a period of three years from the effective date of the ordinance codified in this title and shall be removed or conformed on or before that date. Signs advertising a discontinued use shall be considered nonconforming and shall be removed within thirty days of the discontinuance. (Ord. 166 §6.20, 1979)

17.64.020 Nonconforming lots. If a lot was delineated on a recorded subdivision map, or was lawfully established as a separate lot on the effective date of the regulations codified in this title, and such lot does not conform to the minimum lot area of the zone in which it is located, it shall be considered a legal building site for uses permitted in the pertinent zone, even if the owner of the lot has at any time owned land contiguous to the lot, provided all other requirements of this title and other applicable city ordinances and standards can be satisfied. (Ord. 166, §6.21, 1979)

17.64.030 Nonconforming RV and mobilehome uses and parks. A. Recreational vehicles and mobilehomes used as a permanent residence, existing within the confines of a legally established recreational vehicle park or mobilehome park on the effective date of the ordinance codified in this title, may continue to be used as a permanent residence provided the vehicle is at least one hundred square feet in floor area, conforms to the pertinent state construction requirements, and contains at least one hundred square feet of floor area per occupant. Recreational vehicles and mobilehomes existing on the date of the ordinance codified in this title that do not meet these requirements shall be discontinued as a permanent residence within one year of the date of the ordinance codified in this title.

B. Recreational vehicle parks and mobilehome parks existing on the date of the ordinance codified in this title that do not comply with the density or other regulations herein pertaining to such facilities, shall be considered a legal nonconforming use, provided such facility shall in no

way be altered so that it in any way increases its nonconformance. Any expansion of such facilities shall comply with all requirements herein stated. (Ord. 166 §6.22, 1979)

17.64.040 Nonconforming off-street parking. Off-street parking facilities existing at the time the ordinance codified in this title is adopted, incidental to a lawfully established use, but which are nonconforming as to the provisions of this title shall be considered the required off-street parking for that specific use. Any change in the use, the building, or the parking facilities shall be subject to the following provisions:

A. An existing parking facility, incidental to a lawfully established use, shall not be reduced in area or redesigned so that the facility is less in conformance with the provisions of this title in any respect, unless the end result is an equivalent number of off-street parking spaces, or the required number of parking spaces, whichever is the lesser, as required by this title.

B. If a building or use is expanded, parking as required by this title shall be provided for the expanded portion of the use. Any existing parking shall be retained, or be replaced by an equivalent number of off-street parking spaces, or the required number of spaces, whichever is the lesser, as required by this title. If the number of spaces required for the expansion is greater than the number required herein for the existing building, then any existing parking area shall be brought into conformance with the requirements of this title.

C. If the use of land or a building is changed to a use with a greater parking requirement, parking equal to the difference between the requirement for the existing and the proposed use, as contained herein, shall be provided in accordance with the provisions of this title. Existing parking shall be retained or be replaced by an equivalent number of off-street parking spaces, or the required number of spaces, whichever is the lesser, as provided by this title. (Ord. 166 §6.23, 1979)

17.64.050 Underground utilities. All utility connections, including telephone and electricity, for new buildings, shall be located underground in the commercial, public and religious, planned development, visitor services, special environment and open space zones, and undergrounding may be required by the design assistance committee in the suburban residential and urban residential zones when necessary to protect important scenic views from public vantage points. (Ord. 166 §6.24, 1979)

17.64.060 Land acquisition by public agency. A. A public agency considering the acquisition of land in the city shall submit to the city a report identifying the

proposed acquisition area, existing site characteristics, proposed changes in use, proposed structures and improvements, and an assessment of environmental impacts or impacts on city services and finances that could result from the proposed acquisition and development.

B. The report shall be reviewed by the planning commission and the city council. The city council shall submit written comments to the agency, indicating its concerns and preferences, within thirty days of report submittal. Upon written acknowledgment of receiving the city's comments, the agency may proceed with the acquisition. The same review process shall apply when an agency intend to change the use or make facility changes on their lands. Until the zoning of acquired lands has been changed to permit the intended uses, public agencies shall not proceed with site improvements or use of the land. The city shall not be obligated to provide public services when the use or development of public lands is inconsistent with the provisions of this title. (Ord. 166 §6.25, 1979)

## Chapter 17.68

## AMENDMENTS

Sections:

17.68.010 Generally.
17.68.020 Initiation of amendments.
17.68.030 Amendment procedures.
17.68.040 Notification requirements for amendments.
17.68.050 Effective date of amendments and incorporation in coastal program.

17.68.010 Generally. The Trinidad zoning title, as adopted by the city council, may be amended pursuant to the requirements of this chapter. (Ord. 166 §7.01, 1979)

17.68.020 Initiation of amendments. An amendment to the text of the zoning title may be initiated by motion of the city council on its own initiative, or by the planning commission on its own initiative. Amendment to the zoning map may be initiated by the owner of the subject property or authorized agent for the owner, or by the city council on its own initiative, or by the planning commission on its own initiative. Any person authorized to undertake a public works project or proposing an energy facility development may initiate an amendment by requesting the city to amend this title if the purpose of the proposed amendment is to meet the public needs of an area greater than the city that had not been anticipated by the person making the request at

the time the Trinidad general plan was adopted. (Ord. 166 §7.02, 1979)

17.68.030 Amendment procedures. A. The filing of an application for an amendment to the zoning ordinance, the payment of fees, notice of hearing, and procedural requirements shall be as prescribed herein and in Sections 17.72-.110, 17.72.120 and 17.72.130.

B. The planning commission or hearings officer shall hold a public hearing on proposed amendments to the zoning title. At the public hearing the planning commission or hearings officer shall hear any person interested in the proposed amendment. The hearing may be continued from time to time. Within forty days of the conclusion of the hearing, the planning commission or hearings officer shall submit to the city council a written report of recommendations and reasons thereof, including the relationship of proposed zoning amendments to the general plan. The planning commission or hearings officer shall not hold a hearing on a proposed amendment to the zoning title less than two weeks after final city council action on a related change in the general plan.

C. If, after the hearing is closed, the planning commission or hearings officer recommends approval of the proposed amendment, the city council, upon receipt of the report, shall set the matter for public hearing. The city council may approve, modify or disapprove the recommendation of the planning commission or hearings officer, provided that any modification proposed by the city council not previously considered by the planning commission or hearings officer during their hearing, shall first be referred to the planning commission or hearings officer for report and recommendation, but the planning commission or hearings officer shall not be required to hold a public hearing thereon. Failure to report within forty days after the referral shall be deemed to be commission or hearings officer approval of the proposed modification.

D. If the planning commission or hearings officer has recommended against the adoption of an amendment, the city council shall not be required to take any further action thereon unless an interested party shall request such hearing by filing a written request with the city clerk within ten working days after the planning commission or hearings officer files its recommendation with the city council.

E. The city council shall reach a decision not later than forty days after the conclusion of the city council hearing or not later than forty days after the filing of a report, or the deadline for submitting such a report by the planning commission or the hearings officer on a referral from the city council. Failure of the city council to adopt the proposed amendment within the period set forth in this

section shall be deemed to be a denial of such a proposed amendment. (Ord. 166 §7.03, 1979)

17.68.040 Notification requirements for amendments. In addition to notification required by Section 17.72.130, notice of proposed amendments to the Trinidad zoning title shall be mailed to the California Coastal Commission and other interested public agencies and persons at least ten working days prior to the date of the first public hearing before the planning commission. The city council shall not take final action on an amendment until at least six weeks after notice has been sent. (Ord. 166 §7.04, 1979)

17.68.050 Effective date of amendments and incorporation in coastal program. Amendments to the zoning title shall take effect thirty days after city council adoption of the amending ordinance. The city clerk shall, within five working days of the adoption of the amending ordinance, forward a copy to the executive director of the California Coastal Commission. Before the expiration of the thirty-day period, the executive director shall notify the city in writing if the amendment needs to be certified as part of the Trinidad coastal program and whether the amendment is considered a major or minor amendment pursuant to the provisions of Sec. 30514 (c) of the Coastal Act. Amendments that are determined to be minor shall become part of the Trinidad coastal program on the effective date of the city ordinance or the tenth working day following designation as a minor amendment, whichever occurs last. Major amendments, including any amendment that allows changes in uses, shall become part of the Trinidad coastal program at the time the California Coastal Commission certifies the amendment as adopted by the city. If the Coastal Commission certifies the amendment subject to conditions or changes, the amendment shall not become part of the Trinidad coastal program until by resolution by the city council concurs in any conditions, or by ordinance adopts any changes and such ordinance has become effective. (Ord. 166 §7.05, 1979)

## Chapter 17.72

## VARIANCES, CONDITIONAL USE PERMITS AND DESIGN REVIEW

Sections:

17.72.010 Initiation of procedure.
17.72.020 Required hearings.
17.72.030 Variance findings.
17.72.040 Conditional use permit findings.
17.72.050 Imposition of conditions.

17.72.060 Effective dates.
17.72.070 Coastal development permits.
17.72.080 Emergency permits.
17.72.090 Revocations.
17.72.100 Appeals.
17.72.110 Application form.
17.72.120 Application fees.
17.72.130 Hearing notification.
17.72.140 Notice of final decision.
17.72.150 Costs of notification to interested persons.

17.72.010 Initiation of procedure. The initiation of a variance, conditional use permit, or design review action, the filing of an application, the payment of fees, and notification of hearings shall be as specified in Section 17.72.130. (Ord. 166 §7.06, 1979)

17.72.020 Required hearings. A. The planning commission or hearings officer shall consider all applications for variances and conditional use permits. The design assistance committee, consisting of the planning commission and one member of the city council, shall consider all applications for design review.

B. At least one public hearing shall be held on each application for a variance, conditional use permit or design review. Where a development involves applications for a combination of a variance, conditional use permit or design review, the required hearings may be scheduled concurrently.

C. The hearing shall be scheduled for the first regular planning commission or hearings officer meeting occurring more than ten days from the date of application. At the public hearing the planning commission or hearings officer shall hear any person interested in the proposal. The hearing may be continued from time to time provided that failure to act within ninety days of the date of the first hearing shall be deemed to be approval of the application on that date. The applicant may waive the time limitation in writing if additional time is needed to consider the application. (Ord. 166 §7.07, 1979)

17.72.030 Variance findings. A variance may be granted only upon adoption of written findings showing that all of the following conditions are present:

A. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class or district; and

B. That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property; and

C. That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties; and

D. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district; and

E. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity; and

F. That the granting of such variance will be consistent with the general purpose and intent of this title and will be in conformity with the policies and programs of the general plan and the Trinidad coastal program; and

G. That the variance will not permit a use other than a use permitted in the applicable zoning district; and

H. That either the variance will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the variance may have on the environment;

I. When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or the mean high tide line where there is no beach, whichever is the greater, that:

1. The development provides adequate physical access or public or private commercial use and does not interfere with such uses,

2. The development adequately protects public views from any public road or from a recreational area to, and along, the coast,

3. The development is compatible with the established physical scale of the area,

4. The development does not significantly alter existing natural landforms,

5. The development complies with shoreline erosion and geologic setback requirements. (Ord. 166 §7.08, 1979)

17.72.040 Conditional use permit findings. A conditional use permit may be granted for any use listed as a conditional use in the applicable zone if the facts establish and written findings are adopted showing:

A. That the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and

B. That such use as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to

property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

1. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures,

2. The accessibility and traffic pattern for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading,

3. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,

4. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

C. That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and will assist in carrying out and be in conformity with the Trinidad coastal program.

D. That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment.

E. When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that:

1. The development provides adequate physical access or public or private commercial use and does not interfere with such uses,

2. The development adequately protects public views from any public road or from a recreational area to, and along, the coast,

3. The development is compatible with the established physical scale of the area,

4. The development does not significantly alter existing natural landforms,

5. The development complies with shoreline erosion and geologic setback requirements. (Ord. 166 §7.09, 1979)

17.72.050 Imposition of conditions. In granting a variance, conditional use permit, or design review, the planning commission or design assistance committee shall impose such conditions as deemed necessary to carry out the intent and purpose of this title. The violation of any specification or condition so imposed shall constitute a violation of this title and may constitute grounds for

revocation of the variance, conditional use permit or design review. (Ord. 166 §7.10, 1979)

17.72.060 Effective dates. Planning commission approval of a variance or conditional use permit and design assistance committee approval of a design review application shall become final in ten working days from the date "Notice of Action Taken" is received by the Coastal Commission, unless an appeal to the city council has been taken within that time. Failure of the planning commission or design assistance committee to act with the time limits established in the Public Resources Code Sections 65950 and 65957 shall be considered approval of the application on the date the time limitation expires, and the approval shall become final ten working days after Coastal Commission notification unless appealed to the city council. City council action on an appeal shall become final ten working days from the date the Coastal Commission receives notice of action taken and findings in support of the action are adopted. (Ord. 84-180 §4, 1984: Ord. 175 §3, 1981: Ord. 166 §7.11, 1979)

17.72.070 Coastal development permits. A. 1. In conformance with Public Resources Code Section 30600, in addition to any other approval or permit required under this title, and except as otherwise required under this title, and except as otherwise required by the subdivision title. Section 16.16.140, Section 15.16.100, Section 15.04.070 or as specifically excluded in subsection B of this section, a coastal development permit shall be required for any purposed use, building or other development as defined in California Public Resources Code Section 30106. Upon approval of all required variances, conditional use permits or design review for any proposed use or building, a coastal development permit shall be deemed approved and shall take effect ten working days after the Coastal Commission receives notification unless within that time the approval is appealed to the city council.

2. If a coastal development permit is appealed to the city council, notice as prescribed in Section 17.72.130 for a conditional use permit shall be provided by the city clerk to all interested persons and the Coastal Commission. Approval of coastal development permit by the city council on appeal shall become effective ten working days after notice of approval and adoption of findings are received by the Coastal Commission. If a valid appeal is filed with the Coastal Commission within that time, the city approval shall be of no force and effect until the appeal has been decided by the Coastal Commission. Within five working days of receipt of notice from the Coastal Commission of the filing of a valid appeal, the city clerk shall deliver to the commission staff all relevant documents and materials used by the planning commission and city council in their deliberations.

Appeal of a coastal development permit to the Coastal Commission shall be deemed valid if the appellant has exhausted all appeals as provided herein.

B. Except in the area identified in the map proposed as Appendix B, areas not included in exemptions to coastal development permit, the following categories of development shall not require a coastal development permit:

1. Construction of accessory structures or buildings of less than five hundred square feet in floor area and less than fifteen feet in height, changes in landscaping and site excavation or filling more than one hundred feet from any perennial stream which will not change the existing elevation more than two feet at any point.

2. "Accessory structure or building" means a detached and subordinate building or structure other than a sign, the use of which is incidental to that of a main building or use on that lot. On any lot which is located a dwelling, any building or structure which is incidental to the conducting of any agricultural use.

C. The following categories of development shall not require a CDP except in the special environment zone:

1. a. Fences up to six feet and freestanding masonry walls up to thirty-six inches in height,

b. Standard electrolier not over thirty-five feet in height above the finish grade,

c. Temporary structures built in conjunction with special events;

2. Any construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any building or structure less than any of the following criteria:

a. Curbs, retaining walls and planter boxes up to eighteen inches in height,

b. A small tool or storage cabinet with not more than one hundred square feet of projected roof area. Multiple cabinets shall require approval. Lot line setbacks are to be observed,

c. Television and radio antennas supported on roofs,

d. Low decks, up to thirty inches high, which are not more than five hundred square feet in area,

e. Decks inside fenced areas which are not visible from the street,

f. Hot tubs not involving an enclosing structure,

g. Minor remodeling or repair which does not alter the external profile of the structure. This includes:

i. Conversion of windows to sliding glass doors,

ii. Alteration in window size,

iii. Addition of a window where one does not currently exist,

iv. Addition of vinyl or aluminum external siding in the same color and character of the existing siding,

h. Existing porches up to twenty-five percent increase in area, not to include alterations of existing overhands, or additions of overhangs,

i. Solar heating systems with fixed solar panels not to exceed one hundred eighty square feet in area;

3. Any excavation or fill or combination thereof, less than both of the following criteria:

a. One thousand square feet of surface area including the removal of ground cover. This does not include ground cover removed for agricultural or grading for road and trail maintenance purposes,

b. Fifty cubic yards of material. This shall not apply to any excavation or fill:

i. Within an open space or special environment zone as provided in the Trinidad zoning title, or outside of the stable area as indicated in the general plan map. This does not include ground cover removal for road and trail maintenance purposes,

ii. Within a public sewer, water main storm drain or powerline easements,

iii. Which will encroach upon or alter in any way a drainage channel, tidal area water course, floodplain or area subject to inundation. This does not include the maintenance of existing ditches.

D. The following types of projects are not development within the meaning of this section or Section 30106 of the California Public Resources Code. And do not require a coastal development permit:

1. Exterior painting and maintenance;

2. Remodeling, which does not affect the external profile or appearance of the structure;

3. Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance and which do not aggregate over two thousand dollars in valuation in any twelve-month period and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically excepted from permit requirements without limit to valuation are:

a. Painting and decorating,

b. Installation of floor covering,

c. Cabinet work,

d. Reroofing;

4. Awnings projecting not more than six feet attached to the exterior wall of buildings of Group R-3 or M occupancy. (Ord. 84-180 §5, 1984: Ord. 175 §4, 1981: Ord. 167 §12, 1980: Ord. 166 §7.12, 1979)

17.72.080 Emergency permits. A. Emergency coastal development permits may be granted at the discretion of a local official designated by the city for projects normally requiring a coastal development permit approval which must be undertaken as emergency measures to prevent loss of or damage to life, health or property, or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident.

B. Applications in cases of emergencies shall be made to the city by letter if time allows, and by telephone or in person if time does not allow.

C. The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include the following:

1. The nature of the emergency;

2. The cause of the emergency, insofar as this can be established;

3. The location of the emergency;

4. The remedial, protective or preventive work required to deal with the emergency; and

5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

D. The city may request verification of the nature of and solutions to the emergency situation. Within thirty days of issuance of an emergency permit, the applicant shall submit a complete application for a coastal development permit and any required technical reports.

E. The emergency work authorized under approval of any emergency permit shall be limited to activities necessary to protect the endangered structure or essential public service. (Ord. 84-180 §8, 1984)

17.72.090 Revocations. In any case where the terms and conditions of a grant of a variance, conditional use permit, or design review are not complied with, the planning commission shall give notice to the holder of such permit of its intention to revoke such permit. Permits may also be revoked if the planning commission determines that the notification requirements in Section 17.72.130 were not satisfied by the applicant. Procedures for the revocation of a permit shall be the same as for the original consideration except that the city clerk shall assume all notification responsibility. If a coastal development permit has been appealed to, and approved by, the Coastal Commission, the commission may also initiate revocation proceedings pursuant to the requirements of the coastal act. (Ord. 166 §7.13, 1979)

17.72.100 Appeals. In the case of any variance, conditional use permit, design review permit, coastal

development permit, or denial of a proposed change in the zoning map by the planning commission, and in the case of any order, requirement, decision or other determination made by any city employee, the procedures for appeals shall be as provided as follows:

A. Administrative Actions Appealable. Any person aggrieved by a determination, interpretation, decision, decree, judgment, or similar action taken by a city employee under the provision of this title may appeal such action to the planning commission within ten working days of being notified of the decision.

B. Planning Commission or Hearings Officer Actions Appealable. Actions, or appellate determinations of the planning commission may be appealed to the city council by those interested persons who have communicated their comments at the planning commission or hearings officer hearing.

C. City Council Actions Appealable. Actions, or appellate determinations of the city council representing the approval of a coastal development permit pursuant to Section 17.72.080 may be appealed to the Coastal Commission for the reasons cited, and if the subject property is located within the area described in Section 30603 of the Public Resources Code. Requirements for appealing decisions shall be as provided in the Coastal Commission Regulations.

D. Filing Requirements. Appeals to the planning commission, hearings officer or city council shall be addressed to the appellate body on a prescribed form and shall state the basis of the appeal. Appeals shall be filed in the office of the city clerk within the appeal period provided in Section 17.72.060. There shall be no fee for filing an appeal. The city clerk shall determine from the records whether the appellant submitted comments on the issue being appealed to each previous appellate body. Only if such comments have been submitted shall an appeal be accepted, unless the appellant can demonstrate that there were valid reasons why he could not attend the hearings or submit written comments.

E. Notice of Hearing. A public hearing shall be conducted on all appeals. The notice and conduct of hearings by the appellate body shall be governed by the provisions of Sections 17.72.110, 17.72.120 and 17.72.130 and shall conform to the manner in which the original notice was given and the original hearings were conducted, if any.

F. Time Limitation and Vote. The planning commission, hearings officer or city council shall determine an appeal not later than sixty days following the date of the hearing. If both the applicant and the appellant consent in writing, the time limitation for a decision may be extended from time to time. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the appellate body.

G. Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.

H. Conditions and Findings. The appellate body may impose or prescribe conditions as are in its opinion necessary to serve the objectives of this title. The appellate body shall make a written determination of its decision together with its findings in support of the decision. (Ord. 166 §7.14, 1979)

17.72.110 Application form. Applications for variance, conditional use permit, design review, and amendment to the land use map or zoning map shall be submitted to the city clerk's office upon a prescribed form. Maps, drawings and such other information as specified on the application forms shall be provided in triplicate unless additional copies are specified herein. Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent, attesting to the truth and correctness of all facts, statements and information presented. (Ord. 166 §7.15, 1979)

17.72.120 Application fees. A. The city council shall by resolution establish a schedule of fees, charges and expenses for variances, conditional use permits, design review, coastal development permits and amendments to the zoning map and other matters pertaining to this title. The schedule of fees may be changed or modified only by resolution of the city council.

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, or other matters for which a fee, charge or payment of expense is required by this title or the fee schedule resolution adopted pursuant thereto.

C. Any municipal, political or governmental corporation, district body, or agency is exempted from payment of any fee or charge in connection with an application for any variance, conditional use permit, design review, coastal development permit, appeal or zoning title amendment.

D. No fee, charge or expense shall be refundable except in any case where the planning commission or hearings officer determines and certifies any such fee or portion thereof has been received in error, in which case the amount received in error may be refunded. (Ord. 166 §7.16, 1979)

17.72.130 Hearing notification. A. For actions initiated by one or more property owners for a variance, conditional use, design review or zoning map amendment, the following notification shall be required:

1. a. The applicant shall furnish to the city clerk one stamped envelope addressed to the owner of each parcel of record within one hundred feet of each boundary of the

subject property for variance, conditional use or design review applications and within three hundred feet of each boundary for amendments to the zoning map.

b. The envelopes may be addressed to "owner" at the mailing address of the parcel. The applicant shall ascertain the name and address of the owner from the records of the county assessor. The city clerk shall use the envelopes to mail notice of the hearing at least seven days before the date of the hearing for a variance, conditional use permit, or design review, and at least ten working days before the date or a hearing on a zoning map amendment.

c. The notice shall indicate that an application has been filed, the number assigned to the application, a description of the development and its proposed location, and the date, time, and place of the hearing. In addition to mailing notice to all those for whom envelopes have been provided, the city clerk shall provide notice to the applicant and to all persons known or thought by the clerk to have a particular interest in the application, including the coastal commission staff.

2. Between the time the application is accepted for filing and the date when notices must be mailed, the applicant must post a notice, at a conspicuous place, easily read by the public and as close as possible to the subject property. The city shall furnish the applicant with a standardized form to be used for such posting. In addition, the applicant shall at the same time obtain copies of the hearing notice from the city clerk and shall distribute one to each place of business or residence in the notification area. If the applicant fails to so post the notice form, distribute notices, or to sign the declaration of posting and distribution no less than seven days prior to a variance, conditional use, or design review hearing, and at least ten working days prior to a zoning title amendment hearing, or it is determined that the application is incomplete, the city clerk shall withdraw the application from consideration and shall not mail out the hearing notices.

B. For actions initiated by the planning commission or city council, the city clerk shall provide notice as prescribed above and shall publish in a newspaper of general circulation in the city at least ten working days prior to the hearing one notice of the time, place and purpose of the public hearing; provided, however, that if the size of the subject area would require mailing notice to more than fifty property owners such notice may be inserted in the water bill mailing. If only a change in the text of the zoning title is proposed, posting notice in three locations within the city and newspaper notice shall be provided. The city clerk shall place in the file a written declaration of the means of notification used and certification of the date notification was mailed, posted or published. Other means of notification, in addition to that required herein, may be

used by the planning commission if deemed advisable. (Ord. 166 §7.17, 1979)

17.72.140 Notice of final decision. A. This section shall not apply to action on any development which is executed pursuant to Section 17.20.070(B) of this zoning title.

B. Within seven calendar days of a final action on any coastal development permit the city clerk shall provide notice of its action by first class mail to the commission and to any person who specifically requested such notice pursuant to Section 17.72.150. Such notice shall include conditions of approval, written findings, a location and description of the project, and the procedures for appeal of the local decision to the coastal commission.

C. If the city has failed to take a final action on any coastal development permit within the time limits set forth in Government Code Section 65950 through 65957, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950 through 65957 shall notify in writing, the city clerk and the commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

D. If the city council determines that the time limits established pursuant to Government Code Sections 65950 through 65957 have expired, the city clerk shall, within seven calendar days of such determination, notify any person entitled to receive notice pursuant to subsection B of this section that it has taken final action by operation of law pursuant to Government Code Sections 65950 through 65957. The appeal period for developments approved by operation of law shall begin to run only upon the receipt of the city's notice in the commission office. (This section shall also apply to any judicial determination that the development has been approved by operation of law). (Ord. 167 §13, 1980)

17.72.150 Costs of notification to interested persons. Interested persons who wish to be notified of planning commission, hearings officer and city council hearings shall be sent such notice if they provide the city with a deposit to cover such costs. (Ord. 166 §7.18, 1979)

# Chapter 17.76

## ENFORCEMENT--VIOLATION--PENALTIES

Sections:

17.76.010 Previously issued permits.
17.76.020 Enforcement.
17.76.030 Conflict with other regulations and private agreements.
17.76.040 Public nuisance.
17.76.050 Penalties.

17.76.010 Previously issued permits. Except as specifically herein provided, it is not intended by this title to impair or interfere with any permits previously adopted or issued relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings or improvements. (Ord. 166 §7.23, 1979)

17.76.020 Enforcement. All employees of the city vested with the duty or authority to issue permits, shall conform to the provision of this title and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this title; and any such permits, certificates or licenses issued in conflict with the provisions of this title shall be null and void. It shall be the duty of the city engineer to enforce the provisions of this zoning title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. (Ord. 166 §7.19, 1979)

17.76.030 Conflict with other regulations and private agreements. Where conflict occurs between the provisions of this title and the building code or other regulations effective within the city, the more restrictive of any such regulations shall apply. It is not intended that this title shall interfere with or abrogate or annul any easements, covenants, or other agreements not in effect; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises than are imposed or required by such agreements, the provisions of this title shall control. (Ord. 166 §7.22, 1979)

17.76.040 Public nuisance. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title and/or any use of property contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance; and the city attorney of the city

shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take such other steps and shall apply to such other courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using any property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and exclusive. (Ord. 166 §7.21, 1979)

17.76.050 Penalties. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this zoning title shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail of the county of Humboldt for a term not exceeding five months, or both. Such person, firm or corporation, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm, or corporation and shall be punishable as herein provided. (Ord. 166 §7.20, 1979)

# STATUTORY REFERENCES
# For
# CALIFORNIA CITIES

## General Provisions

Code adoption
Gov. Code §§50022.1--50022.10

Ordinances
Gov. Code §36900 *et seq*.

Penalties for ordinance violations
Gov. Code §§36900 and 36901

Imprisonment
Gov. Code §36903 and 36904

Citations for misdemeanors
Penal Code §§853.5--853.8

Judicial review of city decisions
Code of Civil Procedure §1094.6

City charters
Gov. Code §34450 *et seq*.

Elections
Gov. Code §34050

Classification of cities
Gov. Code §§34100--34102

General powers
Gov. Code §37100 *et seq*.

Conflict of interest code
Gov. Code §87100 *et seq*.

## Administration and Personnel

City records
Gov. Code §§34090--34090.7

Alternative forms of government
Gov. Code §34800 *et seq*.

City Manager
Gov. Code §§34851--34859

Elective Mayor
Gov. Code §§34900--34906

City officers generally
Gov. Code §36500 *et seq*.

Legislative body
Gov. Code §36801 *et seq*.

Election of legislative body by districts
Gov. Code §34870 *et seq*.

Meetings
Gov. Code §54950 *et seq*.

Mayor
Gov. Code §40601 *et seq*.

City clerk
Gov. Code §40800 *et seq*.

City treasurer
Gov. Code §41001 *et seq*.

City assessor
Gov. Code §41201 *et seq*.

Chief of police
Gov. Code §41601 *et seq*.

City attorney
Gov. Code §41801 *et seq*.

Local planning agencies
Gov. Code §65100 *et seq*.

Planning commissions
Gov. Code §65150

Emergency services
Gov. Code §8550 *et seq*.

Peace officer standards and training
Penal Code §13520 *et seq*.

Personnel system
Gov. Code §45000 *et seq*.

## Revenue and Finance

Financial powers
Gov. Code §37202 *et seq*.

Transfer of tax function to county
Gov. Code §51500 *et seq*.

Property tax assessment, levy and collection
Gov. Code §43000 *et seq*.

Sales and use tax
Rev. and Tax. Code §7200 *et seq*.

Transient occupancy tax
Rev. and Tax. Code §§7280 and 7281

Real property transfer tax
Rev. and Tax. Code §11901 *et seq*.

Special gas tax street improvement fund
Str. and Hwys. Code §2106 *et seq*.

Unclaimed property
Civil Code §2080 *et seq*.

Local agency service fees and charges
Gov. Code §54990 *et seq*.

Public works and public purchases
Gov. Code §4000 *et seq*.

Contracting by local agencies
Pub. Contracts Code §20100 *et seq*.

Uniform public construction cost accounting act
Pub. Contracts Code §21000 *et seq*.

Claims against public entities
Gov. Code §900 *et seq*.

## Business Licenses, Taxes and Regulations

Authority to license businesses
Gov. Code §37101 and Bus. and Prof. Code §16000 *et seq*.

Bingo
Penal Code §326.5

Community antenna TV systems
Gov. Code §53066

Charitable solicitations
Bus. and Prof. Code §7523

Private patrol operators
Bus. and Prof. Code §7523

Taxicabs
Vehicle Code §§16500 et seq., 21100 and 21112.

Gaming clubs
Bus. and Prof. Code §19800 et seq.

Massage parlors
Gov. Code §51030 et seq.

Automatic checkout systems
Civil Code §7100 et seq.

## Animals

Animals generally
Food and Agric. Code §16301 et seq.

Dogs
Gov. Code §38792 and Food and Agric. Code §30501 et seq.

Rabies control
Health and Saf. Code §1900 et seq.

Cruelty to animals
Penal Code §597 et seq.

## Health and Safety

Garbage and refuse collection and disposal
Health and Saf. Code §§4250 and 4260

Nuisance abatement
Gov. Code §38771 et seq.

Littering
Penal Code §374 et seq.

Fire Prevention
Health and Saf. Code §13000 et seq.

Noise control
Health and Saf. Code §46000 et seq. and Gov. Code §65302(f)

## Public Peace, Morals and Welfare

Crimes against public justice
Penal Code §92 *et seq*.

Crimes against the person
Penal Code §187 *et seq*.

Crimes against the person and against public decency and good morals
Penal Code §261 *et seq*.

Crimes against public health and safety
Penal Code §368 *et seq*.

Crimes against the public peace
Penal Code §403 *et seq*.

Crimes against property
Penal Code §447 *et seq*.

Weapons
Penal Code §12000 *et seq*.

## Vehicles and Traffic

Local traffic rules and regulations
Vehicle Code §21100 *et seq*.

Traffic signs, signals and markings
Vehicle Code §21351 *et seq*.

Turning movements
Vehicle Code §§22101 and 22113

Speed limits
Vehicle Code §22348 *et seq*.

One-way street designations
Vehicle Code §21657

Stopping, standing and parking
Vehicle Code §22500 *et seq*.

Through highways
Vehicle Code §§21101, 21353, 21354

Curb markings
Vehicle Code §21458

Weight limits
Vehicle Code §35700 *et seq*.

Pedestrians
Vehicle Code §21950 *et seq*.

Establishment of crosswalks
Vehicle Code §21106

Bicycles
Vehicle Code §§21100, 21206 and 39000 *et seq*.

Penalties
Vehicle Code §40000.1

## Streets, Sidewalks and Public Places

Improvement Act of 1911
Str. and Hwys. Code §5000 *et seq*.

Construction of sidewalks and curbs
Str. and Hwys. Code §5870 *et seq*.

Underground utility districts
Str. and Hwys. Code §5896.1 *et seq*.

Obstructions and encroachments on public ways
Gov. Code §38775

Municipal parks
Public Res. Code §5181 *et seq*.

Tree planting
Str. and Hwys. Code §22000 *et seq*.

Landscaping and Lighting Act of 1972
Str. and Hwys. Code §22500 *et seq*.

Charitable solicitations
Bus. and Prof. Code §17510 *et seq*.

Advertising displays
Bus. and Prof. Code §§5230 and 5231

## Public Services

Municipal water systems
Gov. Code §38730 *et seq*.

Municipal sewers
Gov. Code §38900 *et seq*. and Health and Saf. Code §5470 *et seq*.

Water wells
Water Code §13802 *et seq*.

## Buildings and Construction

Authority to regulate buildings and construction
Gov. Code §§38601 and 38660

State Housing Law
Health and Saf. Code §17910 *et seq*.

Mobile homes
Health and Saf. Code §18200 *et seq*.

Signs
Gov. Code §§38774 and 65850; Bus. and Prof. Code §5229 *et seq*.

Inspection warrants
Civil Pro. Code §1822.50 *et seq*.

## Subdivisions

Subdivision Map Act
Gov. Code §66410 *et seq*.

## Zoning

Local planning generally
Gov. Code §65000 *et seq*.

Local authority to regulate land use
Gov. Code §65850

Local zoning administration
Gov. Code §65900 *et seq*.

Open-space zoning
Gov. Code §65910 *et seq*.

Family day care homes
Health and Saf. Code §1597.30 *et seq*.

## Environmental Protection

Environmental Quality Act
Public Res. Code §21000 *et seq*.

STREET SIGNS
WITHIN THE CITY LIMTS

| | | |
|---|---|---|
| Van Wycke | and | Edwards |
| Azalea Way | and | Edwards |
| Ewing | and | Edwards |
| Hector | and | Edwards |
| Edwards | and | Trinity |
| Parker | and | Trinity |
| West | and | Trinity |
| West | and | Ocean |
| East | and | Ocean |
| Wagner | and | Ocean |
| View | and | Main |
| Ocean | and | Main |
| Stagecoach Ln. | and | Main - Trinity |
| Main | and | Scenic & Patrick's Pt. Dr. |
| Patrick's Pt. Dr. | and | Main |
| Scenic Dr. | and | Main |
| 101 fwy exit No. | and | Main |
| Frontage Rd. | and | Main |
| Westhaven Dr. | and | Main |
| 101 fwy exit So. | and | Main |
| State Beach Park | and | Stagecoach Ln. |

ORDINANCE LIST AND DISPOSITION TABLE

| Ordinance Number | |
|---|---|
| 1--71 | (Repealed by 100) |
| 72--99 | (Not used) |
| 100 | Repeals Ords. 1 through 71 (Repealer) |
| 101 | Ordinance construction and effect (1.04) |
| 102 | City council (2.04) |
| 103 | City officer's salaries (Repealed by 103.2) |
| 103.1 | City treasurer's salary; repeals §3 of Ord. 103 (Repealed by 103.2) |
| 103.2 | City officer's salaries; repeals Ords. 103 and 103.1 (Repealed by 90-204) |
| 104 | City officer's bonds (2.12) |
| 105 | Claims and demands upon city (3.16) |
| 106 | Garbage and rubbish (Repealed by 90-204) |
| 107 | Business licenses (Repealed by 90-204) |
| 107.1 | Amends §§1--8, 10--13, 15 and 17 of Ord. 107, business licenses (Repealed by 90-204) |
| 107.2 | Amends §27 of Ord. 107, business licenses (Repealed by 90-204) |
| 107.3 | Amends §19(8) of Ord. 107, business licenses (Repealed by 90-204) |
| 108 | Dogs (Repealed by 90-204) |
| 108.1 | Amends §2 of Ord. 108, dogs (Repealed by 90-204) |
| 108.2 | Amends §4 of Ord. 108, dogs (Repealed by 90-204) |
| 108.3 | Amends §2 of Ord. 108, dogs; repeals §1 of Ord. 108.1 (Repealed by 90-204) |
| 108.4 | Rabies vaccination (Repealed by 90-204) |
| 109 | Public peace, morals and welfare (8.16, 9.04, 9.08, 9.12) |
| 109.1 | Amends §4 of Ord. 109, public safety (9.12) |
| 109.2 | Amends §1.2, of Ord. 109.1, weapons (9.12) |
| 110 | Subdivisions (Repealed by 90-204) |
| 111 | Automobile trailers and tourist camps (Repealed by 90-204) |
| 112 | Vehicles and traffic (10.04) |
| 112.1 | Amends §27 of Ord. 112, load restrictions (10.04) |
| 113 | Special gas tax street improvement fund (3.12) |
| 114 | Building code (Repealed by 90-204) |
| 114.1 | Repeals and replaces §3 of Ord. 114, fences (Repealed by 90-204) |
| 114.2 | Repeals and replaces §2(B)(2) of Ord. 114, side yards (Repealed by 90-204) |
| 115 | Dangerous buildings (Repealed by 90-204) |
| 116 | Tax assessment, levy and collection procedure (Repealed by 90-204) |
| 117 | Pool, billiard and cardrooms (5.24) |
| 118 | Curfew for minors (9.16) |

| Ordinance Number | |
|---|---|
| 119 | Sales and use tax (Repealed by 90-204) |
| 120 | Excise tax on tangible personal property (Repealed by 90-204) |
| 121 | (Repealed by 144) |
| 121.1 | (Repealed by 144) |
| 122 | Civil defense and disasters (2.24) |
| 122-A | Planning commission (2.20) |
| 123 | Fire prevention code (8.08) |
| 124 | Electricity franchise (Special) |
| 125 | House numbering (15.20) |
| 126 | Uniform building code adopted (Repealed by 90-204) |
| 127 | Establishes fire zone (8.20) |
| 128 | Dogs (Repealed by 90-204) |
| 129 | Number not used |
| 130 | Transfers tax assessment and collection duties from city to county (Repealed by 90-204) |
| 131 | Transfers tax assessment and collection duties from city to county (3.04) |
| 132 | Repeals and replaces §1 of Ord. 103.2, city officers' salaries (Repealed by 90-204) |
| 133 | Property tax rate (Special) |
| 134 | Amends §§2(c), 4(a) and 5(a) of Ord. 121, sales and use tax (Repealed by 135) |
| 135 | Amends §§2(c), 4(a) and 5(a) of Ord. 121, sales and use tax; repeals Ord. 134 (Repealed by 90-204) |
| 136 | Subdivisions (Repealed by 163) |
| 137 | Water system bonds (Special) |
| 138 | Water system bonds (Special) |
| 139 | Underground utility districts (Repealed by 90-204) |
| 139.1 | Amends §6 of Ord. 139, underground utility districts (Repealed by 90-204) |
| 140 | Water system (13.04) |
| 141 | Dogs (Repealed by 90-204) |
| 142 | Zoning (Repealed by 90-204) |
| 143 | Adds §§4.12, 6.21 and 6.22 to Ord. 142, zoning (Repealed by 90-204) |
| 144 | Sales and use tax; repeals Ords. 121 and 121.1 (3.08) |
| 145 | Amends §1(a) of Ord. 102, city council (2.04) |
| 146 | Amends §§2 and 10 of Ord. 141, dogs (Repealed by 90-204) |
| 147 | Amends §12 of Ord. 141, dogs (Repealed by 90-204) |
| 148 | Amends §§7.05, 7.08, 7.23, 7.32 and 7.52 of Ord. 142, zoning (Repealed by 90-204) |
| 149 | Dogs (Repealed by 88-199) |
| 150 | Sewage disposal (13.12) |
| 151 | Repeals and replaces §3 of Ord. 103.2, city treasurer (Repealed by 90-204) |

| | |
|---|---|
| 152 | Amends §§78 and 270 of Ord. 140, water rates (Repealed by 90-204) |
| 152 | Amends §270 of Ord. 140, water rates (Repealed by 90-204) |
| 153 | Underground utility districts (Repealed by 90-204) |
| 154 | Annexation (Special) |
| 155 | Urgency interim zoning regulation (Special) |
| 155-A | Annexation (Special) |
| 156 | Bingo games (5.08) |
| 157 | Water rates established by resolution (13.04) |
| 158 | Urgency interim zoning regulation (Special) |
| 159 | Fees; adds §31 to Ord. 107; amends §§19--29 of Ord. 107 and §§21 and 22 of Ord. 141 (2.32) |
| 160 | Water rationing (13.08) |
| 161 | Urgency interim zoning regulation (Special) |
| 162 | Healty officer (8.04) |
| 163 | Subdivisions (16.04, 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, 16.32, 16.36, 16.40) |
| 164 | Grading, fills and excavation (15.16) |
| 165 | Adopts Uniform Codes (15.04) |
| 166 | Zoning (17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.36, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.64, 17.68, 17.72, 17.76) |
| 167 | Amends §§4.03, 4.03(B), 4.03(C)(1), 4.03(C)(9), 4.05B, 4.06B, 4.07(A), 6.14, 6.15, 6.18, 7.12, 7.17 and 7.90 of the zoning ordinance; repeals §6.13 of the zoning ordinance (16.32, 17.20, 17.28, 17.36, 17.56, 17.72) |
| 168 | Amends §§4.03, 4.03(B), 4.07(A) and 6.13 of the zoning ordinance (17.20, 17.36) |
| 169 | Conflict of interest code (2.16) |
| 170 | Amends §1.2(a) of the grading ordinance (15.16) |
| 171 | CATV franchises (5.12) |
| 172 | Zoning and subdivision fees (Not codified) |
| 173 | CATV franchise (Special) |
| 174 | Zoning and building code enforcement (15.08) |
| 175 | Amends §§6.07, 6.15, 7.11, 7.12 and App. A of zoning ordinance and Policy 47 of the General Plan (17.08, 17.56, 17.72) |
| 176 | Trinidad Head regulations (12.12) |
| 83-177 | Street closure permit fees (2.32) |
| 83-178 | Amends §13 of Ord. 144, sales and use tax (3.08) |
| 84-179 | Business licenses (5.04) |
| 84-180 | Adds §7.24 of Ord. 166; amends §§6.07, 6.15, 6.19, 7.11, 7.12, 4.03 (C)(5)(c) and App. A of Ord. 166 and General Plan (17.08, 17.20, 17.56, 17.60, 17.72) |
| 85-181 | CATV franchise (Special) |
| 85-182 | Cemetery rules and regulations (12.08) |
| 85-183 | Underground storage of hazardous substances (8.08) |

85-184 Dogs (6.04)
86-185 Alquist-Priolo special studies zone (15.12)
86-186 Skateboards (10.12)
86-187 Encroachments (12.04)
87-188 Amends zoning map (Special)
87-189 Nuisance abatement (8.12)
87-190 Adds §§4.07(A)(5), 6.18(B)(8) and 6.19(H) to Ord. 166; amends §6.18 (part) and (A) of Ord. 166, zoning (17.36, 17.56)
87-191 Adds §27(f), yard sales (5.04)
87-192 Law enforcement officer recruitment and training (2.28)
87-193 Amends §§5.01, 6.03 and 10.01 of Ord. 86-185, Alquist-Priolo special studies zone (15.12)
87-194 Motion picture, television and commercial filming (5.16)
87-195 (Missing)
87-196 Stopping, standing and parking (10.08)
88-186 Amends paragraph 1 of Ord. 86-186, skateboards (10.12)
88-197 Councilmember salaries (2.08)
88-198 Amends §146 of Ord. 140, water cross-connections (13.04)
88-199 Dogs; repeals Ord. 149 (6.04)
88-200 (passed 12/10/88) Offshore oil support facilities (Not codified)
88-200 (passed 14/12/88) Offshore oil support facilities (5.20)
89-201 Repeals and replaces §5(1) of Ord. 109, weeds and debris abatement (8.16)
89-202 Disposition of unclaimed property (2.36)
89-203 Commercial filmmaking (5.16)
90-204 Adopts general provisions and general penalty language; adds language to Ord. 153 and §9 to Ord. 169; amends §2 of Ord. 102, §5 of Ord. 112, §§5 and 6 of Ord. 117, §§8, 140, 146(c), 153 and 178 of Ord. 140, §2 of Ord. 153, §4.3 of Ord. 163, Appx. A of Ord. 166, §§2(b), 8(b)(1), 8(b)(2), 8(c), 9(a) and 9(b), §7(A) of Ord. 176, §28(c) of Ord. 84-179, §7(b) of Ord. 85-182, §21 of Ord. 85-183 and §70 of Ord. 88-189; repeals §§6 and 7 of Ord. 101, Ord. 103.2, §§2 and 4 of Ord. 104, Ord. 106, Ord. 107.1, Ord. 107.2, Ord. 107.3, Ord. 108, Ord. 108.1, Ord. 108.2, Ord. 108.3, Ord. 108.4, §§3(1), 3(2), 3(4), 3(5), 3(6), 3(7), 4(1), 4(4), 6(a), 6(b), 6(c), 6(2)(a), 7(1), 7(2), 7(3), 7(4), 8(a) through 8(e), §9 of Ord. 109, Ord. 110, Ord. 111, §§8, 10, 13, 14, 15, 16, 17, 19, 20, 20(a), 21(e), 22(a) of Ord. 112, Ord. 114, Ord. 114.1, Ord. 114.2, Ord. 115, Ord.

116, §9 of Ord. 118, Ord. 119, Ord. 120, Ord. 123, Ord. 126, Ord. 128, Ord. 130, Ord. 135, Ord. 139, Ord. 139.1, Ord. 140, Ord. 141, Ord. 142, Ord. 143, Ord. 144, Ord. 146, Ord. 147, Ord. 148, Ord. 151, Ord. 152, Ord. 159, Ord. 162, Ord. 270, Ord. 83-178 and §28(b) of Ord. 84-179 (1.04, 1.08, 2.16, 5.04, 6.04, 8.08, 10.04, 12.08, 12.16, 13.04, 17.08)

# USE OF THE INDEX

Book Publishing Company uses an indexing system especially suited to municipal codes. Similar in form to the usual index, our system follows code organization and is designed to facilitate supplementation. Each section is indexed under one main heading, with additional entries under the main headings APPEALS, BONDS, FEES, LICENSES, NUISANCES and PERMITS, as applicable. Extensive cross-references are used in lieu of multiple entries to direct the code user to the information sought.

To help you understand how our indexing system works, listed below are some typical entries. These entries are keyed to brief explanations of their form and purpose. The typeface of a cross-reference indicates its place in the index. Here are some examples:

## TYPICAL ENTRIES

[1]TAX
  See Specific Tax

TRAFFIC
  [2]See also VEHICLE
  Control device
    damaging, prohibited  11.46.020
    sign
      [3]See also signal
      stop, locations designated  11.46.060
    signal
      maintenance  11.46.090
      placement  11.46.100
  Definitions  11.04.010
  [4]Engineer
    See TRAFFIC ENGINEER
  Lane marking  11.42.030
  [5]Parking
    See PARKING
  [6]Signal
    See Control device

[7]TRANSIENT MERCHANT
  See PEDDLER

[8]TREE NURSERY
  See ZONING

## EXPLANATION OF ENTRIES

1. Information is under a specific heading, such as SALES TAX or TRANSIENT OCCUPANCY TAX.
2. Related entries can be found under the heading VEHICLE.
3. Information can be located at another division of this heading.
4. Officials and agencies usually have their own entries.

5. Parking provisions of the traffic title are indexed separately under PARKING.
6. Information is under the heading TRAFFIC, consolidated under the subheading Control device.
7. Provisions have been consolidated with similar information, under the heading PEDDLER.
8. Zoning provisions are indexed under ZONING. A more extensive treatment is given these provisions. Permitted uses and development standards are listed under both specific and general headings, as in these examples:

ZONING
- Permitted use
  - R-1 district 18.20.020
  - R-2 district 18.22.020
- R-1 district
  - permitted uses 18.20.020
  - yard requirements 18.20.050
- R-2 district
  - permitted use 18.22.020
  - yard requirements 18.22.050
- School
  - R-1 district 18.20.020
- Two-family dwelling
  - R-1 district 18.20.020
  - R-2 district 18.22.020
- Yard
  - R-1 district 18.20.050
  - R-2 district 18.22.050

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